3-12-1986

The Opinion Volume 26 Number 11 – March 12, 1986

The Opinion

THE OPINION

Volume 26, No. 11 STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW March 12, 1986

Buffalo Law Review Votes Yes On Affirmative Action Proposal

by Paul W. Kullman

The *Buffalo Law Review* overwhelmingly adopted an affirmative action plan on Friday, February 21 at a 4 p.m. meeting held in O'Brian 109. A similar plan had been rejected last year.

The plan, which required a simple majority of 32 votes to pass, allows for the submission of a personal statement and the creation of a special minority applicant pool in addition to the traditional selection criteria of course grades and a written casenote.

Forty-one members voted for the plan, which was one of three proposed, while seven voted against it. Fifteen others either abstained or failed to appear for the vote.

Editor-in-chief Karen Hassett, who had spear-headed last year's effort, and John Martin, author of the accepted "Proposal B" plan, both expressed their satisfaction after the meeting.

"Our policy ensures that there will be minority representation now," Hassett said. "This isn't a give-away program; it's a case of correcting something."

Hassett pointed out that there are currently no minority students on the *Law Review*, and that records indicate there hasn't been a minority member in about 35 years.

"We are looking to make the system fair to people who the system hasn't been fair to," Martin said. "I imagine some people will be upset, but I don't think there will be any dissension within the *Law Review*, and if there is dissension outside it, well, that's too bad."

Under the new plan, course grades and the written casenote will still be weighted "50-50," according to Hassett and Martin. But now, Hassett said, after the initial selection of the top 10 percent of all applicants, "We're going to see if the percent age of minorities who made it is representative of those who tried out or representative of the law school at large."

If it isn't, according to Hassett and Martin, the special applicant pool will then be used.

To be eligible for the pool, an applicant must submit a personal statement. Currently, the plan does not specifically outline the length or content of such a statement. While Hassett and Martin said anyone can submit a statement in an effort to opt into the special applicant pool, the language in the plan indicates the pool is designed for "racial minorities and economically disadvantaged or otherwise handicapped students."

According to the plan, a Personal Statement Committee composed of three *Law Review* members and two faculty members will then screen the personal statements to determine which applicants are eligible for the pool. Such personal statements are to be anonymous and there is no limit on the number of applicants who may be admitted into the pool.

Three of the five committee members must vote favorably upon an application in order for it to enter the pool. Persons will then be selected from the pool according to a percentage equivalent to the number of minority students who entered the competition or who comprise the law school body.

The proposal gives this example: "If those eligible for the pool represent 10 percent of their class at large but only represent 5 percent of the students in the Review competition, offers would be based on

continued on page 15

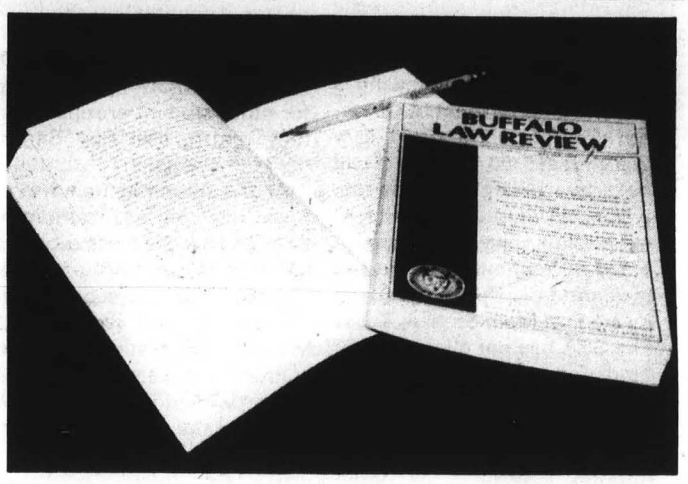


Photo by Paul Hammond

Election Referendum Passes

by Peter Scribner

The next four officers of the Student Bar Association will be chosen in a first ever spring election this April. An amendment to the SBA Constitution which moves the election of the President, Vice President, Secretary and Treasurer from the early fall to late spring was overwhelmingly approved in a student referendum March 3 and 4. 187 students voted in favor of the change, while only 22 opposed it.

According to current SBA President Lori Cohen, this year's spring elections will be held on April 9 and 10. The new officers will assume office at the last SBA meeting of the semester.

Any first or second year student may seek to become a candidate for these positions. Potential candidates may pick up petition forms from the SBA as of March 12. A candidate must have the petition signed by 10% of the first and second year student body. Petitions are due Friday, March 21. In addition, candidates need to submit personal statements to *The Opinion* by March 17 in order for them to be published before the election.

Debates between the candidates are scheduled to take place on Tuesday, March 25, with perhaps a second debate between the candidates for President and Vice President to follow two days later. The elections will be held on the Wednesday and Thursday of the week following the spring break.

The SBA is considering other changes to its constitution, including an amendment which would specify how to amend the document. Any changes proposed this spring will be presented to the student body for ratification at the April election. Although third year students will not be eligible to vote for next year's officers, they will be able to vote on the constitutional changes.

Professor Marcus ponders exam problem.

Photo by Paul Hammond

Honor Code an Issue In Wake of Cheating

by Dana Young

The law school grapevine has yielded rumors of widespread cheating on a Family Law exam given last semester by Professor Isabel Marcus. The exam was given as a floater to a class of approximately 150 students. That is, it could be picked up and taken during any day, M-F, of the two-week exam period.

News Analysis

It is rumored that several students complained to Marcus that people knew what the exam questions were before they ever picked up the exam. There is also the possibility that students may have collaborated on the exam.

Both Professor Marcus and Dean Schlegel have refused to comment on the situation at this time. However, Professor Marcus has posted a notice on the grade board in front of Admissions and Records. The notice does not say much other than that exams have been graded and "the allegations of honor code violations in taking the exam have been turned over to the Administration" (specifically, Dean Schlegel). Dean Schlegel has all exams in his possession at this time. Grades are to be withheld until "the adminstration has reviewed the matter."

Thus far, no disciplinary action has been taken, though some students fear the worst — large scale fingerpointing and accusations of honor code violations. One rumor has it that the exam will be regiven. Another student felt that not much would come of the situation except a lot of D's and F's. All of this speculation leads to the conclusion that no one knows what is going to happen.

Whatever happens, some important questions regarding "floater" exams and the Honor Code, in general, have been raised. In a class of 150 students

continued on page 2

SBA Worried About Rumored Scandal

by Peter Scribner

Members of the Student Bar Association were saddened, shocked and outraged at reports made at the March 5 meeting of allegations of widespread cheating during a final examination last fall and of the lack of explanations by the law school administration as to what is being done about it. In response, the SBA has requested that the administration meet with all the affected students and discuss the situation. SBA President Lori Cohen also announced an open forum scheduled for March 18, where students can express ideas about proper policies, standards and procedures for cases of academic dishonesty.

It was quickly obvious from the reports delivered to the SBA that solid facts about the incident are painfully few and rumors about what has and will happen have been flying about, unsubstantiated and unchecked, for over a month. The incident involves the final exam given by Professor Marcus in Family Law last semester. The exam was a seven hour "floater," which means that students could pick up the exam on any convenient day during the two week final exam period, and return it seven hours later. 152 students were enrolled in the class.

Apparently, when Marcus had completed marking about two thirds of the exams, a student reported to her that several students who had taken the test early in the exam period had passed the questions on to others who picked it up later on. Those students, therefore, had extra time to consider their answers to the essay questions. The exam was reportedly only two paragraphs long.

Rumors that there was an honesty problem with the exam appear to have started when Marcus remarked to a class she is teaching this semester about how some students may have cheated on her last test. Marcus herself was reportedly upset at the allegations, and eventually turned the problem over to Acting Dean John Schlegel. It was also reported that all of the exams have now been marked, and the grades are being withheld for an undetermined period of time until the situation clarifies. Dean Schlegel and Acting Assistant Dean for Student Affairs Steve Wickmark have apparently conducted

continued on page 2

Inside . . .

Longmire Benefit Planned; Clubs Get Funds From SBA

by Peter Scribner

Student Bar Association President Lori Cohen announced at the March 5 meeting that SBA will sponsor a fundraising party for Ronald Longmire at CPG's on Thursday, March 20. Longmire is the former UB student recently acquitted of murder and manslaughter charges following a 1985 knifing incident at Governor Complex. The fundraiser will start at 9:00 p.m. There will be a two dollar cover charge, which will pay for the first drink. Other drink specials will be provided throughout the night, according to organizers. CPG's is located on Main St. near Trico. The SBA has not allocated any funds for the event.

In other SBA news, a new student organization which plans to set up volunteer law student tutoring has been chartered and funded. Jane Smith, organizer of the new group called the Peer Tutorial Project, said they plan to offer help primarily to first year students. The group wants to recruit tutors this spring so that the service may be offered at the start of next semester. SBA authorized $120 in funding to cover copying and postage costs this semester.

The Public Interest Law Center received extra funding from SBA to cover possible printing costs of their law journal "In The Public Interest." The current budget authorized $2300 for printing. Mary Hurley, editor of the magazine, said that the printer is estimating publishing costs of $2700 to $2800 due to some "costly errors" made last year. She hoped that these unspecified errors will not be repeated this year and that the actual printing bill will be lower than estimated. But just to be on the safe side, she asked and received $500 to cover potential printing costs. As is the case with other SBA allocations, any money not spent as authorized will be returned to the general fund at the end of the year.

SBA had approved $75 earlier for two representatives of the Public Interest Law Program to attend a conference on fundraising at Harvard on March 1 and 2. The organization plans to hold a fundraising workshop for other student groups when they return. Lisa Roy Barron made the request.

At an earlier meeting on February 19, the Association of Women Law Students received $75 to help pay for the cost of attending a conference in Chicago on the weekend of March 20. An estimated 20 to 25 members plan to attend the event, which is being sponsored by the National Conference of Women in the Law.

Following these allocations, the SBA still has $830 in unallocated funds, with only 10 weeks remaining in the budget year, acccording to Treasurer Jerry O'Connor. The SBA has also saved a considerable amount of money this year on social events. Due to the new drinking age, area bars are willing to offer very favorable deals on law school parties, most of which have not cost the SBA a penny.

The Rules Committee has completed work on several proposed changes to the SBA constitution. SBA members requested that they be given copies of the proposals in advance of their meetings, so that they may consider them more carefully. Action on the proposals was tabled at both the Feb. 26 and March 9 meetings. Any changes will be presented to the student body for approval at the April elections. Since the proposals must be approved by the SBA Board by March 19 in order to be printed in the last edition of *The Opinion* appearing before the April election, action will have to be taken at either regular or special SBA meetings by then.

Howie Spierer, Director of the Law Revue, announced that the school has use of the Tralfamadore Cafe for the entire day of March 23. The Revue will start at 4:00 p.m., and students may hang around after it is over. A large number of skits and musical acts have volunteered to perform.

A meeting with University Provost Greiner scheduled for March 6 has been postponed until March 17. Law Student leaders wish to meet with him to discuss several matters of student interest. This latest postponement is only the most recent of several delays. The SBA will write him a letter of complaint, with a copy to be sent to local newspapers.

A letter from Peter Commerford of the Phi Delta Phi legal fraternity was read at the February 19 meeting. Mr. Commerford expressed interest in reviving at UB an organization called "Danials Inn." He will be invited to address the SBA.

Jack Luzier of the Environmental Law Society made a By-law 13 progress report of his group at the March 5 meeting. So far this year, the organization has sponsored three movies on environmental subjects, held an environmental law careers seminar, produced an evaluation of the positions of Buffalo mayorial candidates on environmental issues last fall, and sponsored a cross country ski trip. For the rest of the semester, they hope to engage in pro bono legal research, sponsor more field trips and speakers, and set up a bulletin board in the mail room. The group has 15 active members and 25 "passive" members, according to Luzier.

Talks Will Address Acid Rain And Other Great Lakes Issues

Dr. John E. Carroll, Professor of Environmental Conservation at the University of New Hampshire, and Kellogg Foundation National Fellow will make two presentations on Acid Rain and Great Lakes Issues on Wednesday, March 19. Both presentations will be held in the Law School Faculty Lounge, Room 545, O'Brian Hall. Dr. Carroll will speak on Acid Rain at 10:00 A.M. and on Great Lakes Issues at 4:00 P.M.

Dr. Carroll is a leading scholar on United States and Canadian transboundary environmental issues. Among his published books are: *Environmental Diplomacy: An Examination and a Prospective of Canadian-United States Transboundary Environmental Relations* (University of Michigan Press) 1983; *Acid Rain: An Issue in Canadian-American Relations* (Howe Research Institute, Toronto) 1982; *Canadian-American Relations: The Promise and the Challenge* with Kenneth M. Curtis (former U.S. Ambassador to Canada and Governor of Maine), (D.C. Heath & Co., Boston) (Forward by Cyrus Vance), 1983.

Dr. Carroll has extensive experience on both sides of Canadian-American border. He was Senior Project Director at the C.D. Howe Research Institute in Montreal where he directed a major project in United States-Canadian Environmental Relations, which resulted in the publication of a comprehensive study of all major bilateral environmental problems between the U.S. and Canada. He was also a Project Director for the National Planning Association and Canadian-American Committee, Washington, D.C. where he directed a study in the Role of Acid Rain in United States-Canada Relations.

Dr. Carroll has consulted with numerous organizations including: the International Joint Commission (on Canadian-U.S. environmental matters); Environment Canada (on future Canadian-U.S. water problems); New Hampshire Attorney General (on New Hampshire/Quebec hydroelectricity matters); Ontario Hydro (on achieving resolution of the acid rain-electricity export controversy); EXXON Corporation (on a global acid rain model); and the Brookhaven National Laboratory (on U.S.-Canada energy interrelationships and their environmental implications).

Dr. Carroll's experience and depth of scholarship promise an informative and stimulating discussion on Acid Rain, Great Lakes Issues and U.S.-Canadian relations. All are welcome. Dr. Carroll's presentations are sponsored by the SUNY Buffalo Great Lakes Program, and the Law School Project on Canadian-American Legal issues. It is being supported by the Sea Grant Law Program and the Environmental Law Society. Anyone with questions should contact the Great Lakes Program, 636-2088.

SBA Discusses Cheating . . .

• *continued from page 1*

some preliminary investigations and are now considering what action to take.

It was reported that the administration plans to require students who took the exam to sign some sort of honesty affadavit. The reports to the SBA were unclear as to what the content of the affadavit would be, what the penalty would be if a student did not sign it, and how the administration could determine if a student had falsely signed it. Due to this lack of information and the possibilities that students may be forced to incriminate themselves, or possibly even be forced to incriminate others, many SBA members spoke of outrage at what they considered a "witch hunt." Jerry O'Connor moved that the SBA officially recommend that no student sign any affadavit.

O'Connor tabled his motion, however, as President Cohen announced plans to write a letter to Schlegel expressing student concerns over the investigation. The letter, which was being prepared as *The Opinion* wa going to press, apparently will outline student fear and outrage over the lack of information school officials have provided to those students who took the exam. The 152 students involved have heard nothing officially since the reports of the problem test first started circulating over a month ago. Those students have only rumors to go on as to what is happening, and even the most honest student has been living with guilt by association and fear of ramifications of an official outcome. Third year students are especially concerned. With the grades withheld, reports that several students received D's and F's cannot be confirmed. Furthermore, a student convicted of academic dishonesty may be prevented by the school from taking the Bar Examination on the grounds of moral turpitude.

The SBA letter to the administration also will express concerns that no guidelines defining acts which constitute cheating exist in the student honor code. Hypothetical borderline cases of "cheating" can easily be imagined, especially in a school full of lawyers and would be lawyers. And in the current controversy, these borderline cases may not merely be hypothetical.

Furthermore, the letter will also address what appears to be a lack of formal procedures, procedural standards, and procedural safeguards in dealing with these allegations. The reports received by the SBA present the appearance of an administration uncertain as to how to investigate charges that affect so many students. Unconfirmed reports and rumors suggest that as many as 20 to 40 students may be involved. It would appear that proof of any cheating can only come from admissions and accusations by students themselves. It was reported that all the direct informations received by administrators as of this point has come from confidential statements which will not be used to formally charge anyone with academic dishonesty. In other words, any formal investigation will have to start from scratch.

Cohen announced that a forum on academic honesty would be held March 18 in order to provide students with an opportunity to express their ideas about what should constitute cheating. The forum will not involve any of the specific allegations of the current controversy, but rather will involve student suggestions for general academic honesty policies and procedures.

The SBA letter will urge that the school take no formal steps to investigate this incident until all the students who were in the affected class have an opportunity to meet with Schlegel and Marcus to discuss what is going on. It was thought that student fears of the unknown could be settled at such a meeting, and that students would more likely cooperate with an investigation formulated with their advice.

Finally, the SBA letter will voice student concerns that the whole investigation of this incident appears to have dragged on much too long, with little to show for it. Students, especially third year students planning to graduate in less than three months, deserve more expeditious treatment.

Cheating Analysis . . . . .

continued from page 1

such as the Family Law course, it is reasonable to expect the nature of the exam to remain secret over a two week period? Students that finish the exam may be prone to discuss it in public, perhaps within earshot of others who haven't taken the exam yet.

Another question is whether our honor system is working effectively. Perhaps the Honor Code needs to be clarified and more thoroughly impressed upon students at exam time. These are important issues and should be addressed in the wake of the cheating which may or may not have occurred.

TO: ALL FIRST AND SECOND-YEAR STUDENTS
FROM: JOHN HENRY SCHLEGEL

Applications for teaching assistantships in the Research and Writing Program are now being accepted. If you are interested in applying, please submit a personal statement, resume, transcript and writing sample to the Placement Office, 309 O'Brian Hall, on or before March 28.

According to current plans, we plan to organize the Research and Writing Program in the fall in the usual fashion. About 16 TA's will teach a section of 15-17 students, in coordination with a Civil Procedure section. Although there is a possibility that some teaching assistants may be hired at a later time to teach in the Spring semester, *the initial selection is for the Fall semester of 1986 only.* The teaching assistantships provide a stipend of $2,400 and a full-tuition waiver for the Fall semester. For more information see notices posted in various places in the law school or see Cleo in the Dean's office.

Tenth Annual Alumni Convocation Addresses Elderly Issues, Honors Thomas Headrick

by Idelle Abrams

The Law Alumni Association received an overwhelming response to its tenth annual convocation, held Saturday, March 1st. Over 300 people filled the Moot Court Room to hear the panel discuss "Counseling the Elderly: Considerations Outside the Will." The presentation of the Edwin F. Jaeckle Award to former Dean Thomas E. Headrick was made at the luncheon following the convocation.

The annual convocation is an expression of the Law Alumni Association's commitment to continuing legal education. The goal of the program is to provide information and skills that participants can make use of immediately. The need for information on counseling the elderly was demonstrated by the response to the program, noted Robert W. Keller, chairman of the convocation.

Leslie Greenbaum, UB President Steven Sample, and Robert Keller.
Photo by Paul Hammond

Modern medical technology, while often prolonging life, often does so at great expense. The concern is often that medical care at the end of a person's life will deplete the estate and deny the surviving spouse of a means of support or deprive the children of an inheritance. Attorneys need to become aware of the options available in order to properly advise their clients and lead them through the complex legal and economic maze of managing their resources.

The Law Alumni Association, in the words of its president Leslie M. Greenbaum, "has established a reputation of having programs that are practically oriented." This convocation certainly lived up to this description. Erie County Attorney Eugene F. Pigott, Jr. led off the meeting with a brief summary of the major considerations in the "Availability of Medicaid: What Assets Can Be Protected and How." After providing some basic details on the benefits available, the eligibility requirements, and the application process, Pigott focused on two special areas — spousal support and the transfer of assets.

Many problems arise such as when one spouse is institutionalized and the other is in the community. The spouse in the community worried about protecting assets needed for his or her own support can refuse to contribute to the support of the institutionalized spouse, said Pigott.

The Department of Social Services (DSS) will bring an action and the case will go to family court, like any other support action. There the court will make a determination of how much the non-institutionalized spouse is going to have to pay. Pigott quoted one Family Court judge who advises individuals, "You better go get a lawyer because I'm going into your pockets."

When the institutionalized spouse is the former breadwinner with substantial social security and/or pension benefits, the non-institutionalized spouse will have to sue for support in Family Court. This is often a very uncomfortable situation for the family. However, Pigott urged attorneys to advise their clients that it is "simply placing the dilemma before the court" so that it can make a determination of how much goes to whom.

Headrick proudly accepts Jaeckle Award.
Photo by Paul Hammond

The transfer of assets was a topic that generated much interest. The timing of transfers is a critical question. The "Twenty-four Month Rule" provides that any transfer of non-exempt resources within two years of an application for medical assistance will be considered in determining eligibility. Anything transferred before that time will be exempt from review.

Elizabeth G. Clark of Hodgson, Russ, Andrews, Woods and Goodyear, pointed out that because of this rule, "pre-planning is critical." Often the biggest problem, she said, is that the client won't come to the attorney in time to avoid the twenty-four month period of accountability.

Clark added that "you should assume the two year rule applies to everything" including exempt property. Even though exempt assets don't apply to eligibility for medical assistance, they will be looked at by the county when considering recovery for expenses from the estate, she added.

continued on page 14

by Patricia J. Weeks, M.S.W.

Planning for the protection of assets of older clients is essential, a panel of distinguished area attorneys told an overflow crowd in the Moot Courtroom Saturday, March 1, 1986. "Counseling the Elderly: Considerations Outside the Will" was the topic of discussion at the Tenth Annual Convocation co-sponsored by the UB Law School and the Law Alumni Association. The "graying of America," seen as having an immense impact on the legal profession, was the basis for discussion and debate of issues such as Medicaid eligibility, conservatorship and the use of the living will.

The panel was composed of Eugene F. Pigott, Jr., Erie County Attorney, Elizabeth G. Clark (Hodgson, Russ, Andrews, Woods and Goodyear), Gregory Stamm (Stamm and Murray), Thomas P. Cleary (Walsh and Cleary) and Kenneth F. Joyce, UB Law Professor.

The presentations on a number of topics affecting the elderly brought to light the enormous role an attorney plays in protecting the assets of the older client.

The issues of Medicaid eligibility, presented by Pigott and Clark, stressed the importance of planning ahead to protect life savings and cherished assets to avoid impoverishment following a period of catastrophic illness. Both attorneys offered useful and practical methods of transferring assets without violating the strict guidelines set forth regarding limitations on resources.

Many elderly persons spend a lifetime saving for a comfortable retirement and hoping to provide an inheritance for their children. Quite often, however, illness strikes and they watch their savings dwindle away to meet astronomical medical bills. Even more devastating is when one spouse becomes infirm, while the healthy spouse is left with very little to live on.

Only recently has the focus been on planning ahead to avoid such impoverishment. The "Twenty-four month rule" for Medicaid eligibility, makes such planning more critical.

Stating that "The uncompensated value of any non-exempt resource transferred within 24 months prior to the date of application shall be considered in determining initial or continuing eligibility for the applicant or recipient," the twenty-four month rule removes any possibility of protecting assets once illness occurs. The only way to circumvent this restriction is to begin to transfer assets early and to document the reasons for transfer so that they may stand up to the scrutiny of the Department of Social Services.

The attorney plays a crucial role in advising the older client of such strategies and ensuring that all steps taken are indisputable within the stipulations of Medicaid law. Proper counseling can also reduce the chances that one spouse must liquidate all assets to meet the health care needs of another; a situation which, sadly, occurs with some regularity.

Another issue of increasing importance, the right to die and the use of the "Living Will," was presented by Kenneth F. Joyce. A hotly debated issue in terms of ethical considerations, one need only visit a nursing home or cancer treatment ward to see the benefits such legislation would bring.

Joyce's discussion of the some 36 states which recognize such documents provided a good deal of insight into the issues which surround the use of Living Wills and do-not-resuscitate orders. Broken down into categories of the "Competent Patient," the "Previously Competent but Now Incompetent Patient" and the "Patient Who Has Always Been Incompetent," the presentation examined the decisional law surrounding the termination of life-sustaining procedures.

Joyce's clarification of situations which allow for the termination of life support was useful for those wrestling with ethical and legal implications of such actions. In his recommendations for the use of advance medical directives, Joyce urged specificity, proper witnessing and frequent review in order to avoid question as to the document's authenticity.

Often, medical personnel are at odds in dealing with such requests. By assuring proper advance documentation of the patient's wishes, such confusion can be avoided.

The information presented at the seminar will be useful for attorneys and health care professionals alike. The complexities of third party payments, Medicaid eligibility and the protection of assets are often far and above the understanding of many clients. By expanding one's knowledge of such programs, an attorney can help the older client to use the resources available to them to their benefit.

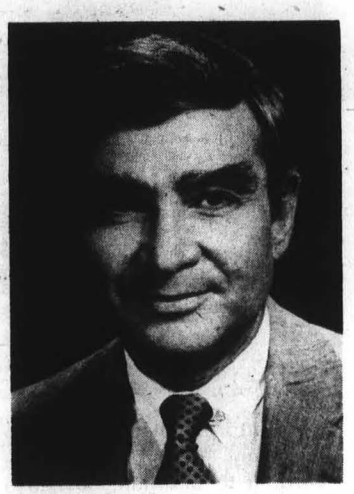
Cleary summarized the focus of this seminar by stating, "One message must come through loud and clear to you, that is, it is very important to get out to your client as the years come upon them and to get to their families so that planning may become the true answer to the preservation of assets. Lawyers, quite frankly, must make a bold move. 'Don't wait!' is my recommendation; go out to your clients and insist upon them making some plans."

N.Y. Chapter of Matrimonial Lawyers Elects Faculty Member Birzon President

Paul Ivan Birzon, a practicing attorney and a part time member of the UB law school faculty since 1963, who currently teaches a section of Evidence, has been elected President of the New York State Chapter of the American Academy of Matrimonial Lawyers.

It is the first time in the New York State Chapter's twenty-four year history that an attorney practicing outside the New York City Metropolitan area has been elected to the office of president.

The American Academy of Matrimonial Lawyers was founded in 1962. Membership is limited to attorneys whose practice is substantially devoted to matrimonial law, and who are able to pass an entrance examination and meet other criteria required by its national and state charters. The New York State Chapter has 207 members, of whom seven have become members of the judiciary. There are 1,136 members of the Academy distributed over 43 states and the District of Columbia. Its charter commits its members "to encourage the study, improve the practice, elevate the standards and advance the cause of matrimonial law, to the end that the welfare of the family and society be preserved."



Prof. Paul Birzon.
Photo by Tom Gietzen

Birzon is a member of Ange, Birzon, Gordon, Rosa & Zakia, P.C., a Buffalo based law firm. He is a Graduate of City College of New York and Columbia Law School from which he graduated as a Harlan Fiske Stone Scholar. He has lectured and published nationally in the field of matrimonial law. He is the author of "Evidentiary Problems for the Matrimonial Lawyer," a series of articles published in the *Family Law Review*, a New York State Bar Association publication.

Birzon is listed in the *'Best Lawyers in America'* and in 1985 he was the only attorney in Buffalo selected by *Town and Country Magazine* as one of eighty-eight Best Lawyers in America, based on a national survey of matrimonial law practitioners.

A Correction

In previous issues we have misspelled Dean Candidate Louise Trubek's name. The proper spelling is Trubek, not Trubeck.

Faculty Candidate Offers A Package Deal

by Idelle Abrams

On Friday afternoon, February 21st, faculty candidate David M. Trubek fielded questions from students that covered the various interests of his legal career including law in third world countries, civil litigation, empirical research on the administration of the legal system, and a discussion of the legal realist poistion and the school of critical legal studies.

Trubek, currently the Voss-Bascom Professor of Law and the Director of the Institute for Legal Studies at the University of Wisconsin Law School, was applying for a faculty postion, because his wife, Louise Trubek, may be a final candidate in the search for a new dean for this law school, said Trubek.

He wanted UB to have a chance to interview him so that "if they want [Louise] for the deanship, they can also simultaneously offer me a job." When asked what would happen if the university offered one Trubek a job and not the other, he candidly responded, "We're a package. We stay together."

Trubek, a prolific writer, received his LL.B. from Yale Law School in 1961 and was Note and Comment Editor of the *Yale Law Journal*. He credits his productivity to the fact that he has held a number of administrative jobs that "have simplified life," offering a lighter teaching load and the availability of support staff. Underlying these practical advantages, however, Trubek expressed a strong commitment to the dual responsibilities of a professor to both write and teach.

"In the long run, the answer is that writing and teaching are mutually supportive. I think people who think changing the students, because all [the students] are getting is stuff you can buy in the bookstore."

This is not to say, added Trubek, that there aren't tensions in the short run, practically speaking. The problem generally is to find the relatively sustained periods of time required for writing. Institutions should recognize these tensions, said Trubek.

Currently, Trubek's research and teaching interest is to integrate empirical research done on civil litigation, as it is actually happening in the system, with teaching civil procedure. "I wanted to build into [teaching civil procedure] a lot of issues that are also salient issues in empirical research." These issues include the role of judges, the economics of bargaining, the role of alternative kinds of legal techniques to use when a suit involves a long-term, continuing relationship.

Empirical research, said Trubek, is a relatively new thing outside the criminal justice area. He has, however, "devoted about half [his] energies over [his] career to empirical research." This research has explored the administrative end of the legal system, explaining what is happening and what the problems are in this area.

Faculty candidate David Trubek.

Photo by Paul Hammond

Previous research interests of Trubek's include the exploration of the relationship of law and social change in third world countries. Most of his work in this area was done in Brazil, where he lived from 1964 to 1966. He was in Brazil as the internal lawyer for the United States Agency for International Development Mission to Brazil.

Trubek became intrigued by economic change and how the relationship between changing legal arrangements in the business and financial worlds were affected by changes in the attitudes of lawyers, and how it all related to the project of political democracy. He found a basic tension existing between programs to make law more instrumental as a technique for economic change and the idea of using law as a protector of human rights.

Out of this experience developed one of the first big problems connecting law with social science research, which Trubek directed. At the time anthropologists were the only people in academia who knew anything about law in third world countries, said Trubek. The lawyers and anthropologists developed an ongoing dialogue and ended up talking a lot about the legal system in the United States. "A lot of thinking about alternative dispute processing came out of that program," said Trubek.

When asked what would happen if the University offered one Trubek a job and not the other, he candidly responded, "We're a package deal. We stay together."

Trubek has maintained his ties with Brazil. This past summer he spent a month there teaching "New Developments in Socio-Legal Studies in the United States."

Describing the legal realist position, which he called "one of the major jurisprudential developments of the twentieth century," Trubek said, "there is frequently no authoritative legal answer that determines and conclusively closes an inquiry as to how a case should come out." There is no definitive set of rules, he said, that will necessarily come into play in complex cases.

Trubek believes this position "to be a reasonably accurate objective statement about the situation in most complex areas of law." Facts are constructed, to some degree, with an eye to a purpose and rules are multiple. For any given situation "authoritative sources speak with a forked tongue," said Trubek.

When asked about his membership in the Conference Critical Legal Studies, Trubek responded that what he gets out of it is the "realistic recognition that law is something we do every day. It is humanly constructed, humanly preserved and maintained" It is undesirable to give it a false sacred quality, he said.

"It's a daily construction of social reality, meaning and power that we all share in. People who get involved in it have to be aware of their values."

S. Clara Gets Dean

by Jeff H. Stern

The University of Santa Clara School of Law appointed a new dean January 23rd, after a year-long search which saw the school's dean search committee interview 91 candidates from across the nation. The story was reported in the February edition of *The Advocate*, the law school's monthly student newspaper.

Gerald F. Uelman, formerly an associate dean of Loyola Law School in Los Angeles, will assume the deanship of Santa Clara Law School in July, 1986. Uelmen replaces George Alexander, who officially resigned last August after 15 years as dean.

Alexander was one of the four candidates who interviewed for the position of dean here last spring. None of the four were invited to return for second interviews.

Uelman, 45, has taught courses in Evidence, Criminal Law, Civil Procedure and Lawyering Skills at Loyola for the past 16 years. He was the Assistant United States Attorney for the Central District of California from 1966-1970, in which capacity he was involved in the prosecution of organized crime defendants. He is also a frequent contributor to numerous legal periodicals, mostly in the areas of criminal law, drug abuse and legal history.

Uelmen, who received his J.D. and LL.M. from Georgetown Law School, has a reputation for raising law school admission standards, reducing enrollment and toughening grades, the *Advocate* article said.

Harvard Grad Seeks Position

by Amy Sullivan

John J. Donohue, a faculty candidate recently spoke to the UB Law School students on his hopes of continuing pro-bono work if he should become a member of the faculty. "I have done much pro-bono work, and there are still a number of things I am interested in pursuing," he said.

Donohue, a graduate from Harvard Law School, is presently a fellow of the Yale Law School in the civil liability program. He teaches a seminar on the economics of race and sex discrimination.

Donohue has also been involved in handling many death penalty cases. He believes "the death penalty doesn't deter crime, and the justification of satisfying the need for vengeance doesn't outweigh the dehumanizing aspects." Donohue has done much work in this area including producing many publications, giving addresses and doing pro-bono work.

As far as teaching goes, Donohue believes that he would have much to offer students. "As a teacher getting up in front of a class several days a week, I'd feel awful if I didn't do a good job. Being someone who has ran for public office, I've spent a lot of time trying to at least sound interesting."

He added that "law school is not the gold mine it once was. The bottom line is putting out a good product; a good interesting student is what counts."

Protecting Property, Using Talent; Goals of Entertainment Lawyer

by Paul W. Kullman

Protecting your client's intellectual property rights while simultaneously helping your client exploit his "creative juices" are the two major functions of an entertainment lawyer, according to Buffalo attorney Irving Shuman.

Shuman, along with client and recording artist Rick James, told a group of about 75 students that "integrity" is also an important concept to remember when practicing in the entertainment law field. "That's the key word in the whole thing," James said. "It's what keeps me with Irv."

Recording artist Rick James and Attorney Irving Shuman.

Photo by Paul Hammond

The two provided their insights into this growing area of law during a discussion sponsored by the Entertainment Law Society at 7 p.m. on Wednesday, March 5 in O'Brian 109. Shuman was slated as the lone speaker, but James made a surprise appearance, much to the students' delight.

Shuman said during the limited time most entertainers are in production, "They will generate a lot of income and you have to help them hold onto it so that they can be secure in the future."

An attorney also has to help his client "shop around," according to Shuman, "because every year or month they give up when they sign a deal, they're giving up a big opportunity somewhere else." He said when someone tries to tie an entertainer up for a period of time, "You try to make the length of the deal contingent upon the artist's success."

While Shuman had no prior experience in the entertainment law area before hooking up with James in 1978, James said Shuman "commenced" to learn the law. "And in a year's time, he pulled me out of a million dollars in debt to a million dollars on the books."

Shuman, who met James through one of his clients, said when an attorney is dealing with artistic people, "You have to be especially sensitive to your client's needs and you

continued on page 15

Leary Leaving To Accept Human Rights Chair

by Melinda Schneider

Dr. Virginia Leary is taking leave to accept a one year chair at the University of Saskatchewan, Saskatoon, Canada for 1986-87. The Ariel Sallows Chair in Human Rights in an endowed chair, of which the primary focus is to provide an opportunity for the holder to undertake research in human rights. In addition to doing research and writing in her field, Dr. Leary will be offering a seminar on human rights and giving a public lecture at Saskatchewan.

The invitation is an honor, but more importantly for Dr. Leary it will enable her to concentrate on her particular field of interest. Most teachers have responsibilities in addition to their classes, which in her case includes working on the Appointments Committee and the Dean Seach Committee.

The chair in Saskatchewan will allow her the time to continue doing research she has already begun in two aspects of human rights: economic and social rights as human rights, and the development of a program implementing human rights in Asia.

Dr. Leary has already traveled to, and written on Sri Lanka and the Phillipines. She is interested in how Asians perceive human rights, and in the institutions which they are developing in that area. She is particularly interested in the question of labor under the economic and social rights aspect of her research.

Dr. Leary has also long been interested in Canada and will now have a chance to live there for a time. She is currently teaching a seminar on dispute settlement in U.S./Canadian disputes and has worked on a campus-wide committee on Canadian studies. Another benefit to her at the University of Saskatchewan is that they have a Native Law Center which deals in Indian and Eskimo studies.

The temporary move will continue for Dr. Leary a direction she began to take many years ago. She grew up in Utah, went to the University of Utah as an undergraduate, then studied law at the University of Chicago. After law school she worked for Sidley and Austin for three years, a firm which is now one of the ten largest in the U.S. But she was always extremely interested in international questions and there were no international courses at that time. So she quit practicing law in pursuit of international interests.

Prof. Virginia Leary.
Photo by Paul Hammond

She started working for a private organization that did intercultural and community work, traveled all over the world for them and eventually ended up working in Geneva, Switzerland. She decided to combine law and her international career and returned to school for a doctorate in international law in Geneva.

She did course work for her doctorate and then worked for the International Labor Organization, a specialized agency of the United Nations. She decided to teach international law in the United States and got an opportunity to come to Buffalo in 1976 through previous international law professor Thomas Burgenthal.

Dr. Leary's special interest has always been in human rights and in developing countries. She has lately been concerned with dispute settlement and is active with many human rights organizations. She stressed, however, that this opportunity is clearly a one year enterprise and she will definitely be returning at the end of the year.

The law school is currently trying to find someone to teach the international courses while she is away.

Corporate Flight Topic For Labor Conference

by Craig Atlas

On Saturday, April 12, an all-day labor conference will be held in the Moot Court Room in O'Brian Hall. The conference will focus on the problem of the flight of jobs and industry from the U.S. to abroad, focusing attention on the movement of jobs from the Northeast to the Texas-Mexico border.

This problem is of particular interest to Western New York because of the recent decision of Trico Products Corporation to relocate most of its operations to Texas and its labor intersive assembly to Mexico. The conference will discuss the Maquiladora program, which makes it attractive for firms to locate along the Texas-Mexico border. U.S. tariff policy encourages the development of U.S.-owned plants in Mexico. These plants import raw materials and parts into Mexico duty-free, assemble them into finished products using cheap labor, and then export the goods back to the U.S. duty-free.

The conference is being cosponsored by a variety of law school and community organizations, including the National Lawyers Guild, the Buffalo Labor Relations Society, and the Cornell University School of Industrial and Labor Relations extension service. Funding from the Mitchell Lecture Committee of the law school is currently being sought.

In addition to explaining how the Maquiladora program works Mexican governmental officials and U.S. economics experts are being invited to give their perspectives. A spokesperson for the New York State government is also expected to discuss the impact on New York's industry and workers.

The conference will also include a discussion of the human impact of the Maquiladora program by describing Mexican labor relations and social conditions, particularly this type of development's adverse impact on women. Finally, representatives of the Lionel Train company and union are being invited to tell their story. Lionel moved to Texas and to Mexico, without much success, and has since moved back to Detroit.

This conference should be a major event. There will be no admission charge. All are invited to attend. We expect the conference will be of interest to many members of the community as well as to students and faculty of the law school. Anyone who would like to help should contact Paul Wessel, box 266, Kate Barth, box 11 or Lionel Rigler, box 740.

Seton Hall Grad Speaks at Luncheon

by Amy Sullivan

Thomas Hartnett, the Director of the Governor's office of Employee Relations, believes that the number of times he uses his formal education obtained at law school is quite small.

Harnett discussed his role as director at a lecture presented by The Jaeckle Center For State and Local Government Distinguished Speaker Series. He is a graduate of Seton Law School, and has held the position of Director since 1983. Prior to that he has been with both the union side and the management side of New York Telephone.

Hartnett explained that the New York State office is the 8th or 9th largest employer in the country. There are about 190,000 employees, 8 unions and 10 different bargaining units. These units have common areas of interest in terms of issues and in terms of types of work performed by the individual companies. Some very large units, such as the Civil Service Employee Association have over 100,000 employees."

"My office negotiates with those 8 unions, and very few employees are outside these unions," said Hartnett, adding, "The only people outside these unions are management, the confidential folks in the state government."

Hartnett explained, "Looking at a typical company, their managerial to unionized employee ratio is significantly different than ours, we have basically 15,000 out of 190,000 who are not in unions. We periodically go put in legislation to try and get the managerial class expanded, without much success. We obviously have some fairly strong law lined up opposing that legislation." Hartnett's office determines on a unilateral basis what the rights of management will be and then he will negotiate with these unions.

Hartnett himself has been with both the management and the union side of N.Y. Telephone. He started as an hourly craft worker for N.Y. Telephone Co., as well as being a local steward. He then became a local president of Local 1101 for the Communication Workers of America for six years. After a major strike he moved to the management side arguing against his former colleagues on the union side.

Hartnett noted that, "There are enormous opportunities on the union side, as well as the management side in this area." A union background, if you want to go on to arbitration, mediation, anything in the neutral area is a great credential to have, it also gives you the ability to approach issues by putting you in the other guy's shoes."

Apartheid and South African Policy Discussed

by Krista Hughes

"Apartheid and Law" was the topic of an informal lecture given by Gerald C. Horne on Feb. 24. Mr. Horne, Director of the National Conference of Black Lawyers and Professor of History on leave from Sarah Lawrence College, dealt both with apartheid as it exists in South Africa and with how South Africa's policy of racial discrimination is becoming an issue in American courts.

Professor Horne began his discussion with a definition of apartheid, saying, "I think it would be most appropriate to analogize apartheid, not so much to the Jim Crow system that arose most sharply . . . after the Civil War in the United States, but more so to the system of slavery." Apartheid is a "system of government established to enforce inequality, exclusions, restrictions, limitations, on the grounds of race."

In South Africa the 73% black majority is denied all participation in government, a denial which is supported by South Africa's revised Constitution of 1984. The Constitution "is on its face a violation of international law's norm of self-determination under which all people are to participate in the body politic."

One way in which South Africa's government denies the black majority its political and human rights is through the policy of forcible relocation of black South Africans. Many blacks live on "homelands" or "black spots" which are areas of land owned and developed by blacks but which are surrounded by white-owned land. These "black spots" are desired by the South African government for conversion to exclusive use of whites.

To do this the government removes blacks from the homelands without due process and "often at gunpoint," and forces them to live on Bantustans, "barren areas where the land is not arable, the land is desolate, and it declares these Bantustans to be independent, and therefore strips blacks of their South African citizenship in exchange for citizenship in the Bantustans." This form of citizenship is not recognized by any government except for the government of Pretoria. Over 300,000 "black spot" residents were relocated to Bantustans between 1970-79, and over 3.5 million have been relocated over the past 20 years.

Mr. Horne discussed several South African statutes which further the purposes of apartheid by denying blacks their rights. One is the "Black Act," No. 67, of 1952, which requires "all black adults to carry passbooks which document their legitimate presence in white areas." The "Black Act" is a form of "influx control" and it is strictly enforced. In 1982 alone over 26,000 pass law arrests were made.

Another way in which the government strips the black majority of its rights is by the Internal Security Act of 1982. Section 28 of that act "permits indefinite detention of any person likely to commit an act endangering the maintenance of law and order." There is no requirement for probable cause before arrest, no guarantee of counsel, and there is an ever-present possibility of "indefinite incommunicado detention without charge or trial.

In addition, the writ of habeas corpus does not exist for blacks or whites in South Africa because "security legislation . . . [provides that] acts of Parliament are supreme, or not subject to interpretation or invalidation by the courts."

Lecturer Gerald C. Horne.

Photo by Paul Hammond

Besides depriving blacks of legal rights, several acts work to place South Africa's black majority at the mercy of the South African Defense Forces (SADF) and their special police units. The South African Defense Act, No. 44 of 1957 "gives security forces immunity in advance from criminal or civil responsibility for any act carried out in good faith." Mr. Horne illustrated this point by suggesting that if he were giving the same lecture in South Africa the police could come in "believing in good faith that [he was] counseling insurrection against Pretoria authorities," and be legally justified under South African law in "mow[ing him] down."

Civil Rights advocates worldwide have criticized the gross abuses of authority displayed by the SADF, but within South Africa there is little they can do to publicly denounce it. South Africa's government has prohibited the publication of any untrue statement, and has placed the burden of proving the truth of any statement upon the person making it.

A similar policy exists in preventing the exposure of the use of torture by government agents. All allegations of torture must be accompanied by detailed sworn affidavits. Section 217 of the Criminal Procedure Act of 1977 "practically invites security officals to use torture in extracting confessions because a written confession produced at trial raises a presumption that it was freely and voluntarily made."

One final way the South African government oppresses the black majority is through the practice of banning certain "individuals, organizations, gatherings or publications." Between July 1982 - June 1983 over 900 publications and films were banned because they were "possibly prejudicial to the security of the state." The government has also banned all outdoor political gatherings.

As a result, dissent may only by expressed publicly at funerals because they are the only form of allowable gathering. Funerals are not, however, immune from police intrusion, and are often the site of violence and more death.

Individuals are also subject to banning by the government under an Executive Fiat of the Internal Security Act. Banned individuals may not speak to more than one person at a time, must remain in certain prescribed areas, and may not be quoted in any publication.

Although apartheid is a system which exists within South Africa, Prof. Horne indicated that American courts are now being asked to deal with the policy. One specific case is currently in litigation in New York. It involves Barry Martin, an Afro-American dancer who visited South Africa in 1983. While there, Martin and a white companion were involved in an automobile accident. An ambulance came for Martin's friend, but refused to take Martin because of his race. As a result, Martin was forced to wait at the accident site for a black ambulance, a wait which has left him a quadriplegic.

Martin is bringing a $130 million tort claim against the government of South Africa and against Transvaal Hospital Services on the grounds of discriminatory medical treatment. This type of claim presents many problems for American courts because all of the tortfeasors are in South Africa and are potentially protected by foreign sovereign immunity. Prof. Horne discussed

continued on page 11

Hispanics On The Rise In The Legal Profession

by Wilmer Rodriguez Nunci

A discussion of Hispanics in the law cannot be had without acknowledging the fact that the term "Hispanic" defines a heterogeneous rather than a homogeneous minority community in the United States. Hispanics, for the purposes of this article will refer to the Spanish-descended people residing in the United States of America.

According to the 1980 census, the Hispanic population in the United States was 14.6 million comprising 6.4 percent of the entire U.S. population. More than 60 percent of these 14.6 million Hispanics reside in California, Texas and New York. The census probably missed about 2 million more and did not count somewhere between 5 and 6 million undocumented workers. Add to this the 3.6 million Puerto Ricans on the Island of Puerto Rico and the total Hispanic population under the direct sovereignty of the United States is in the neighborhood of 25 million people.

Despite the differences of opinion, some more friendly than others, Latino lawyers are finding common ground in their professional groups. The dichotomy of common ethnic heritage and tremendous diversity within the ranks of Latino attorneys is perhaps best reflected in the Latino or Hispanic Bar Associations and the fact that more than one exists.

Perhaps one of the most readily identifiable associations targeting Hispanic attorneys is the La Raza Lawyers Association of California (LRLAC). Founded in 1972 by California Supreme Court Associate Justice Reynaldo Cruz Reynoso, then the head of the California Rural Legal Assistance Foundation, and Mario Obledo, the national president of the League of United Latin American Citizens (LULAC) and former director of the Mexican American Legal Defense and Education Fund (MALDEF).

Though founded as a national organization, LRLAC's national entity moved East. Now sporting a new name, the Hispanic National Bar Association (HNBA), it is returning to the West, with about 3,700 members nationwide.

The founding of organizations such as the ones mentioned above marks an important moment in the history of Hispanic people in the United States. It signals the end of one era characterized by gross underrepresentation in business, politics and the arts, and the beginning of another. It evokes images of crossing over from old ways to new ones, of a people coming of age or perhaps even a resurrection.

The HNBA's Decennial Convention

On September 5, 1985, the Hispanic National Bar Association staged its tenth annual convention at the Vista International Hotel in New York City. On this occasion I had the opportunity to attend seminars, make professional contacts and speak to various Hispanic attorneys and guest speakers.

The following is a compilation of excerpts of informal conversations held between myself and Hispanic law students from Temple University and C.U.N.Y. law schools and the leaders of various Hispanic Bar Associations. I deem it important to include these excerpts in order to relate the sense of purpose and direction that enveloped the atmosphere of the convention.

When asked what is the purpose of a Hispanic Bar and is there really a need to organize along these lines, Ms. Mari Carmen Aponte, a former HNBA president and partner at Peña and Aponte of Washington, D.C., responded that "the HNBA links local associations in most major cities." She stressed that the organization is not directed to any particular nationality, and explained the impetus behind the organization.

"There's a tendency to lump all Hispanic attorneys into one category. The fact is, we are composed of all different groups: the Mexican Americans in the Southwest and West Coast, the Cubans in the South and Puerto Ricans in the East. Often we have divergent perceptions of what our needs are and how to deal with them. The organization primarily provides a forum for discussion."

Robert Mendez, the president of HNBA's Los Angeles chapter and in-house Counsel for NBC emphasized that "whatever its members' needs, HNBA has as its focus the concerns of the community, including problems in education, the criminal justice system, employment and access to government." As he sees it, local bars tend to be more effective organizations.

"They enjoy the advantage of members in one area, meet on a regular basis and maintain an agenda with ongoing issues. The problem the national organization faces is that members are all over; directors are all over, too. Our ability to devote energy to some issues is diminished; we must economize our efforts. Otherwise, we can't accomplish anthing."

According to Jose Medina, the president of the Cuban American Bar Association (CABA) in Los Angeles, "One of the major goals of CABA, is to have a Cuban American Judge appointed and to link with Florida's Cuban American attorneys."

The Mexican American Bar Association (MABA), also based in Los Angeles, claims a membership of more than 500. MABA president Jaime Cervantes outlined the organization's goals as "ensuring that the rights and legal procedures appropriate to a situation are given to Hispanics, educating and supporting Hispanic attorneys and working within the community to develop its welfare."

MABA and CABA both share the goal of helping the Latino community, with perhaps a slight emphasis on their own people. Mr. Medina pointed out that since the overwhelming majority of Hispanics in Los Angeles are of Mexican American ancestry, "It's hard for Cubans to be comfortable."

Mr. Medina also pointed to at least one basic philosophical difference between the two groups. "Most Cuban Americans are very conservative and very Republican because of the Cuban Revolution. On the other hand, Mexican Americans are liberal and progressive because of their connection with the reform movement in Mexico."

Do the Hispanic associations pull together? The leaders say yes. Ms. Aponte said of the HNBA, "The organization is still in its formative stages, so divisive issues haven't arisen yet, and I don't expect them to. We have so much in common that we need to have a consensus. The problems are too many to start arguing."

The Mainstream Bar

With respect to the Mainstream Bar, the American Bar Association's Board of Governors has established a nine member Task Force to study problems faced by minorities in the legal profession. The Task Force will be in existence for 18 months, terminating in February of 1986 with a budget of $99,995.

Their mandate is to ultimately formulate a report and recommendations as to action which the Association, or others, should take regarding the problems facing minority lawyers and their integration into the profession and the organized bar as well as the problems facing the minority bar associations.

The proposal for the Task Force was submitted by the Young Lawyers Division, the Section of Individual Rights and Responsibilities and the Standing Committee on Bar Activities and Services. The key issues to be researched are:

a) Legal Education and Admissions to the Bar

b) Professional Employment Opportunities and Career Development

c) Judicial Selection and Judicial Clerkships

d) Bar Association Involvement

In May of 1981, the National Institute of Minority Lawyers released a report decrying the status of minority lawyers. Subsequently, this report, along with various other articles gave rise to the formation of the ABA's Task Force on Minorities in the Legal Profession. The report confirmed that minorities are still not represented in the profession in proportion to their share of the population and more importantly, are underrepresented in many important sectors of the profession.

In short, minority lawyers remain on the fringes of the profession. Unless and until they are brought into the mainstream of the profession, special interest bar associations will continue to spring up and flourish, further polarizing the profession, and the American Bar Association will continue to do without the energy, creativity and commitment of so many talented minority attorneys.

If lawyers hold themselves out to be the defenders and protectors of liberty and justice, how can they hope to fulfill the ideal of equal justice in a profession that continues to exclude minorities?

The Need For Hispanic Lawyers

I am of the mind that being Hispanic should not relegate an individual to a one track legal system. Hispanics are Americans and as such diversify their interests in every category of law. I am sure that there is a general consensus of the desire to see the unity of the Mainstream and Minority Bar Associations. However, as long as the need for support and networking exists, and as long as there is a certain degree of societal discrimination against Hispanics, that unity will just have to wait.

The Hispanic Bar will be called upon to shoulder a leadership role. Hispanic attorneys are visible professionals in their community. Persons who have not been as fortunate as them, who are not gifted or articulate, look to them for leadership. As in the past, Hispanic lawyers will be called upon to speak for the special interests which may only be known or understood by them by reason of their origin.

It was an active Hispanic Bar that has prompted Republican and Democratic administrations to appoint Hispanics as judges, such as the Honorable Ricardo M. Urbina of the District of Columbia Superior Court who was the first Hispanic judge appointed by President Ronald Reagan. Hispanic organizations will have to continue to ensure that Hispanics are represented at every agency and at every level. For example, Henry Rivera, appointed to the Federal Communications Commission, is the first Hispanic to be appointed a Commissioner at that agency in its 55 year history. The Honorable Patricia Diaz Dennis is the first Hispanic and Woman to be appointed to the National Labor Relations Board.

The Bar needs to be further integrated. A legal community reflective of our society dispels a notion of a caste system and ensures the loyalty of the citizenry as a whole. A more diversified bench ensures greater faith in the fundamental fairness of our laws and in the administration of justice. In summary, Hispanic lawyers and judges are not only beneficial as role models to the Hispanic community, but to the nation as a whole.

Violence Against Asians Widespread in '80s

by Carol Ho Rezvani

In 1854, Asian-Americans were prevented from testifying against Whites in court. In 1860, Asian-Americans were sent to segregated public schools. In 1882, Chinese were forbidden to migrate to this country and were excluded from certain professions. In 1922, Japanese-Americans were prohibited from owning land and from becoming naturalized citizens.

In 1942, Japanese-Americans were forcefully uprooted from their homes and were forced to unfairly endure an average of thirty months behind barbed wire in midwest United States because of what a recent court decision in Korematsu v. U.S. (1944) *and federal commission have recognized as racial prejudice, war hysteria and the failure of political leadership. In 1966, some states prevented Asians from intermarrying with other races.*

Today, many Asian Americans work in sweatshop conditions, live in substandard housing, and are denied equal access to government's benefits. "They" continue to force discrimination based on race, sex, national origin, immigration status and language ability.

"Go back to China. I kill you." — yelled by a gang of white youths who attacked three Vietnamese in South Boston on May 25, 1985, as recalled by a victim, Hung Hua.

"We don't want you here!" — yelled by a gang of white youths who attacked four Campucheans in East Boston two days later on May 27, 1985, as recalled by victim Sarann Phuong.

"Why don't you let me go, he was only a gook . . . I only hit him once . . . The niggers love to come down here and lock us up for this shit." — yelled by R.G., a minor arrested by several Boston police, including one black officer, for assaulting Kiem Ho in Savin Hill in August 1984.

After the July 1983 fatal stabbing of Anh Mai in Dorchester and the wounding of three other Vietnamese refugees by a 19 year-old white Marine, a group of white youths were asked by a CBS T.V. crew why neighborhood residents were harassing the refugees. On national television, they replied: A: "They don't like chinks." Q: "Why not?" A: "They're not white." Q: "Why is that bad?" A: "It just is."

The same summer, a Vietnamese family was forced to move out of its house on Melbourne Street, Dorchester, the same house that had been fire bombed in 1982 when three black families were living there.

"I will get revenge. If I can't kill the Vietnamese today, I'll kill them tomorrow; if I can't kill them tomorrow, I'll kill them *some other day." — yelled by Eric Johnson after beating Hieu Van Ngo until he was unconscious at the Madison Wire and Cable Company in Worcester, in October 1984.*

Peter Nien-Chu Kiang who is the program director of the Asian-American Resources Workshop in Chinatown observes that the roots of racial violence against Asians in 1980's can be traced, in part, to the United States' failing economy, high unemployment, and bitter trade competition for imports. Japan became a primary target of attack for the United States corporations and image-makers. "Buy American" campaigns and weekly rituals in Detroit characterized the virulence of anti-Japan sentiment.

Cries that Japanese imports were invading America echoed the hysteria of Pearl Harbor. In June 1982, a Chinese-American draftsman named Vincent Chin was bludgeoned to death with a baseball bat in the streets of Detroit by a white unemployed autoworker and his stepson. Prior to this brutal attack, the two cursed Chin, saying, "It's because of you fucking Japs that we're out of work." Not distinguishing between Japanese corporations, Japanese

continued on page 11

THE OPINION
STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

Volume 26, No. 11 **March 12, 1986**

Editor-in-Chief: Victor R. Siclari
Managing Editor: Jeff H. Stern
News Editor: Paul W. Kullman
Features Editor: Timothy J. Burvid
Business Manager: Harry Bronson
Photo Editor: Paul F. Hammond
Layout Editor: Kevin O'Shaughnessy
Production Editor: Charles E. Telford
Contributing Editor: Peter Scribner

Staff: Idelle Abrams, Craig Atlas, Dave Chapus, Sue Clerc, Diane Dean, Michael Gelen, Krista Hughes, John K. Lapiana, Dave Platt, Melinda K. Schneider, Amy Sullivan, Dana Young.

Contributors: Mario Cuomo, Kirsten Hertz, Mary Hurley, Jack Luzier, Wilmer Rodriguez Nunci, Carol Ho Rezvani, Patricia Weeks.

Editorials:

Fire in a Crowded Law School

Cheating is the street crime of academia. It tears at the frail ties of trust that bind student and teacher and chills the innocent unity between student and student. Law pretends to operate in a metaphysical vacuum of utter rationality. To think with cold, unemotional logic is to "think like a lawyer". It takes a dramatic event such as a cheating scare to shake us loose from this mindset. Rumors fly, anxieties soar, and rationality takes a vacation.

152 of our fellow law students are living in the Twilight Zone. All of them feel the heat of guilt by association because some are accused of cheating. A quarter may have gotten ahold of the questions to a Family Law final exam last fall before they took the test. For all anybody knows, some may even have compared answers. For anyone convicted of cheating, career plans may go out the window. Add a pinch of a rumor of poor grades, blend in complaints about an off-the-wall test, simmer for two months, and you have the perfect recipe for paranoia.

The whole school feels the effects. Cheating results in a tightening down of exam procedures. The casual, relaxed atmosphere of the Buffalo Model is diminished. Something good is lost. And student tempers flare at reports that the administration may require compulsory self incrimination to root out the cheaters. Trust gives way to cries of "witch hunt!" Meanwhile, one professor is undoubtedly distraught. How could *they* do that to *me*? Other faculty members vicariously share the feeling. Administrators wring their hands: what to do, what to do?

What to do? Well, first of all, everybody has got to calm down! Relax. Take a couple of deep breaths. And summon back logical rationale from its hiding place. For once, thinking like a lawyer is a really great idea.

Secondly, before any investigation takes place, all of the objectives must be set out, the problem defined, the important questions answered. What are these objectives? Everyone would agree that while all cheaters ought to be punished, not a single innocent person ought to suffer.

But what is cheating? Is it always self-evident? Should punishment vary by degrees of culpability? Should cheating consist of knowingly violating test rules, negligently violating the rules, or should a student be held strictly liable for violating the rules?

Furthermore, what procedures should be used? Should students be forced to incriminate themselves or others? Who should make the final determination? What standard of proof for conviction should be used to insure that no innocent person is punished?

It is essential that these questions be answered and that all objectives be put on paper and made public before an investigation begins. Why? Because some very unpleasant decisions may have to be made along the way. Some of these objectives may have to be tossed overboard in favor of others. For example: it may not be possible to determine who cheated without compulsory self incrimination. Which gets compromised? These painful choices can only be made with all objectives clearly set out at the start.

Javits Will Be Missed

As long as he had his mind, he could think.

That was how former Senator Jacob K. Javits (R-N.Y.) viewed the debilitating neuromuscular disease which confined him to a wheelchair for the last five years of his life. Javits, one of the nation's most brilliant and respected political leaders, died from the disease last Friday, at the age of 81.

The son of a Jewish immigrant couple, Javits was born in a tenement on the Lower East Side of Manhattan. Yet he overcame his poverty-stricken childhood, working his way through law school and building a successful law practice. Eventually he would become the longest serving United States senator ever to represent the state of New York (1956-1980).

As a senator, he was known to have worked 16-18 hour days, steeping himself in all the major domestic and foreign policy issues before Congress. He fought hard for civil rights and initiated the War Powers Act, to limit the power of the president to send troops into combat without the approval of Congress.

Senator Robert Dole (R-Kansas) called Javits "one of America's all-time great senators." Senator Edward Kennedy (D-Mass.) said that Javits was "a truly great American, courageous, committed, compassionate. To the very end, he taught us with his own inspiring example to care about those less fortunate than ourselves."

With his passing, New York has lost one of its most dedicated public servants.

Parlor Protectors' Pranks Provoke Plentiful Protests

Justice Harlan once used the description "pig in the parlor" to make a point about the First Amendment. We think it aptly describes the current situation in the law school where undergraduates inundate a building designed and constructed for use by law students.

Since the administration has refused to protect our "parlor," individual law students must begin to do so.

Adequate (but moderate), non-destructive disruption of undergraduate classes held in O'Brian Hall will encourage faculty and students to hold their classes elsewhere.

Begin slamming doors to undergraduate classrooms and shouting "UNDERGRADS OUT," "GET OUT OF THE LAW SCHOOL," or "THIS IS A LAW SCHOOL." Take special action against undergraduates using our Moot Court Room. If you need a carrel in the library, begin opening doors checking to see if the users are law students. If they are not, you should ask them to leave. Carrels are specifically reserved for law students. TAKE ACTION, LAW STUDENTS.

Signed,
THE PARLOR PROTECTORS

****** Responses ******

Student

To the Editor:

Amid the usual clutter of bar review hype sheets, inducements to purchase magazines I couldn't possibly find time to read and applications for credit cards I couldn't use responsibly, I gleaned from the mailbox the same curious little jeremiad that I'm sure most readers did. I refer to the clarion call of the "Parlor Protectors" (a cast of characters comprised of law students lacking sufficient courage of conviction to sign their names) urging us to "take action" against the infestation of undergraduates and undergraduate classes in O'Brian.

Never mind that our anonymous champions retchet Mr. Justice Harlan's "pig in a parlor" comment so far out of context that he most probably rotated 180° in his resting place. This little ditty (undergrad for "didactic") disturbs more with successive readings, for its message in clearly this: "The process has failed, let's take matters into our own hands."

These gentle folk will most likely grow up to be one of two things: judges whose courts I would hope to avoid or tax attorneys on whose judgement I would not wish to rely. While most commentary on this noble cause has gone something like, "How did they get *in* here?", I worry more that these defenders of the faith will get *out*.

One wonders in what sense O'Brian is "ours," or to what extent the building is "designed and constructed for use by law students." Popular legend has it that the Amherst campus was (a) located on this Godforsaken tundra and (b) architechturally designed in order to assure that the National Guard could shut down the campus quickly and prevent large scale assembly of the unwashed masses; all other purposes, such as "departmentalizing" the University by buildings, appear to have been secondary.

It reminds me of the "open classroom" from my school-teaching days and it seems to work about as well. But, as a classmate has said with respect to this burning controversy, "that's life in the Big City." I agree. Myself, I'd rather have the law school back downtown, but I'm not going to hammer on the door to Schlegel's office until he does something about it.

One also wonders (and worries) about the attitudes underlying the perceived need to exclude others. Somehow, our Protectors have discovered that a higher intrinsic value attaches to law students than to other students. I would respond to this widom by asking our surrepititious scribes to remember a couple of things: one, the "others" may very well be paying our fees someday, and two, my daughter's babysitter may in the long run be more valuable to society than half the graduating law class.

Finally, as one might well suspect, there is a catch to this modest proposal. If our Protectors really want to keep the "pigs" out of their parlor, they had best be prepared to accept exclusion of their "asses" from everyone else's. The bottom line for me is this: I don't give two frozen turds who uses the law school so long as they don't abuse it. And I've seen no evidence that law students are any less likely to abuse (or vandalize, steal, cheat, lie or write anonymous twaddle) than anyone else.

The law school is not a building. It is roughly one thousand human hearts beating, and apparently a few less than a thousand minds at work.

Ron Scott

******

Professor

To the Editor:

I wish to express concern about unprofessional acts by law students which affected my classes Friday, February 21.

At 10:30 a.m., as I was lecturing in 209 O'Brian, the door was flung open, the words "Get undergraduates out of the law school" shouted loudly, and the door slammed. The students in the class laughed off this interruption, fortunately. More serious, however, was an incident a few minutes later, immediately prior to a large class which I also teach in O'Brian. In this instance, some third year law students "informed" undergraduates going to my course (in which a test was scheduled that day) that the class was "cancelled." This was a lie.

The frustrations law students feel in being at the center of the academic spine — subject to noise, crowding, and heavy use of classrooms by persons from all parts of the University — are understandable. But wherein lies the greatest good, or the most appropriate means of improving the situation? The law school is not an isolated or isolatable island, but a center that serves thousands of persons daily. What is an inconvenience to law students is a necessity for the majority of UB students and faculty, given the great pressure that exists on teaching space. To protest these facts of geography and crowding by disrupting ongoing teaching smacks of sophomoric behavior, not professional conduct. I, and other faculty who have been assigned to teach in O'Brian, certainly hope such incidents will not recur.

Yours truly,
Claude E. Welch, Jr.
Professor of Political Science
Chairman, Faculty Senate

******

Dean

To: The Student Body
From: J.H. Schlegel

I have had brought to my attention the Manifesto signed by THE PARLOR PROTECTORS — as well as complaints from both university faculty and law students about individuals following the PROTECTORS call. I was hired as acting dean of a law school and not as the principal of a junior high school. Were I the latter, I would simply inform the hall monitors and send the offenders home to Mommy. As the former, I am at somewhat of a loss as to how to respond. I cannot express my disapproval of such childish behavior too strongly so I will simply note that Rule 5.35.3i of the Board of Trustees prohibits the conduct called for by the PROTECTORS. Among the sanctions permitted to be imposed on persons found to have violated this rule is expulsion and suspension. I will not hesitate to inform the Committee on Character and Fitness as well.

Should individuals wish to discuss their concerns about the Law School and its declining sense of community, which, I take it, is the root cause of the PROTECTORS' childish response, I would be pleased to meet with them at an appropriate time and place.

******

A Correction

To the Editor:

I submitted to *The Opinion* an article on my recent trip to Cuba. My article was published in the February 26, 1986 issue of the paper. The paper faithfully reproduced my article, with one notable exception. On page fifteen, one of the paragraphs begins with the sentence: "I saw children begging in the street or sleeping in parks."

The sentence should have read: "I saw ***no*** children begging in the street or sleeping in parks."

Alberto M. Benítez

The Boy Mechanic **by Kevin O'Shaughnessy**

Law Review's Gesture A Forced Concession

"Take up the White Man's burden-
Send for the best ye breed-
Go bind your sons to exhile
To serve your captives'
To wait in heavy harness
On fluttered folk and wild-
Your new caught, sullen peoples
Half devil and half child-"
Rudyard Kipling

The White Man's Burden

Minorities all over America are sleeping safer these days; the *Buffalo Law Review* has decided to initiate an affirmative action program. Has *Law Review* (like Lincoln in 1863) issued its "Emancipation Proclamation"? Is there cause for celebration? I'm not so sure.

Certain members of *Law Review* (probably afraid of continuing an incestuous process which threatens the intellectual gene pool) felt that law school grades and the casenote competition were merely arbitrary standards used to legitimize a system biased towards upper middle class whites. (If *Law Review* were a school district, the Supreme Court would have ordered integration decades ago.)

Some insiders feel that this well-intentioned minority would not have carried the day had the proposal not been leaked to the general public. These cynics feel the news leak backed a number of elitists into a corner. Appearances won over convictions (surprise!), and an affirmative action proposal was passed.

No one wants to look like a racist. (I always felt there was a certain honesty about the Ku Klux Klan . . . You always know where those guys stand on affirmative action.)

Two affirmative action proposals were submitted; both were flawed. The first proposal based all admissions on a combination of grades (40%), case note (40%), and a personal statement (20%). Applicants defined as "disadvantaged" would be given a maximum score for their personal statement.

The advantages of this plan were: 1) All students competed together without the use of quotas, and 2) The number of "disadvantaged" students admitted could be expanded beyond the number allotted for by a quota system. The major flaw with this plan was that a corrupt admissions board could deny admission to all "disadvantaged" students by claiming their grades and case notes scores were far below the rest of the applicants. (I wish this was out of the realm of the possibility; too damn cynical, I guess . . .)

The other proposal, which eventually was passed, placed all "disadvantaged" students (students which chose to identify themselves as such) in a separate pool. The number of "disadvantaged" students admitted is determined by the overall percentage of students admitted in the larger pool (10% admitted from the larger pool means 10% admitted from the smaller, "disadvantaged" pool).

The advantage of this proposal is that it would guarantee the admission of "disadvantaged" students. There are several drawbacks to this plan: 1) The plan limits the admission of "disadvantaged" students to a small number (cynics feel this was why it was passed), and 2) By placing people in a separate pool, a stigma is placed upon those admitted (playing right into the hands of the elitist "they couldn't get in on their own" mentality).

Law Review has become a holy grail to a large portion of the student body. Legend has it that resumes that possess this magical ingredient bestow upon its owners a vast array of riches . . . Leased Porsches, Condos, Designer clothes (for that designer mind) . . . undoubtedly every lawyer's orgasm.

Law Review is an academic journal. It is responsible for publishing innovative legal articles. Any publication (this newspaper, for example) must be open to different perspectives; the present *Law Review* selection process undermines this goal.

The new affirmative action program may be viewed as a token gesture; but for all its drawbacks, it represents an opportunity to fight the apartheid that is *Law Review*. Some people fought hard to provide this opportunity. It must not be wasted.

Graduating Seniors Information Memo

To: All Graduating Seniors
From: The Commencement Committee

Any senior interested in being the student speaker at commencement should submit a short (1 paragraph) summary to Steve Wickmark in Room 311 by Tuesday, March 11th. The summaries will be distributed and a vote taken within the next two weeks.

Caps and gowns *must* be ordered by March 21st. If you plan on wearing a cap and gown, make sure you place the order with the bookstore by MARCH 21st.

Professor Atleson requested that the senior class forego the formality of caps and gowns and establish a special loan fund for students. If anyone is interested, please see Gina Peca.

The Commencement Committee is co-sponsoring a Sadie Hawkins Semi-Formal on Friday, March 14th. It is being held at the Susquehanna Hat Factory from 9-12 p.m. $6.50 advance/ $7.00 at the door gets you hot and cold appetizers, full open bar and music. It should be fun!

The next and final memo will contain the vote on the student speaker, faculty speaker, and faculty and staff awards.

Only 67 Days Till Graduation!

Env. Law Soc. Current Activities

Editor,

We are writing this letter to fulfill the requirements of SBA By-law 13 and to inform folks of the continued active existence of the Environmental Law Society.

This year we have been involved in many projects that have benefited the law school community. Last semester the movie committee presented numerous films on environmental topics under the direction of Jennifer Sanders. We also compiled an environmental issue paper on the two major mayoral candidates.

The speakers committee, chaired by Kevin Comstock, organized a forum on careers in environmental law which was This semester the committee is busy organizing two more presentations on environmental litigation.

This semester we also organized a cross-country ski trip to Allegany State Park which went very well. We hope to make this an annual affair open to the entire student body as are all of our activities.

On the trip back from Allegany we stopped by the West Valley Nuclear services facility for a mini-presentation on the history and current status of tl. . project. We hope to organize more trips to areas of local environmental interest in the future.

The society has been a frequent contributor to this publication. This is in keeping with our primary function of educating the law school community on environmental issues.

We are presently activating our research committee to assist in pro bono work for local citizens groups. Anyone interested in researching for a couple of hours a week should contact either of us.

We are proud of what we have accomplished this year. The Society has become a highly visible, active organization in our school. With SBA and student support and involvement we can maintain a high level of contribtution to our community.

Sincerely,
Jack Luzier
Dave Platt

Comics by Chapus

Founding Fathers Pub Offers Comfortable Bar and Character

Founding Fathers Pub
75 Edward St.
Buffalo, N.Y. 14202
855-8944

by Timothy Burvid

BAR REVIEW

If new bars opening their doors were an accurate measure of downtown development, Buffalo's economic future would seem optimistically bright. At least half a dozen new bars or pubs have debuted downtown in the last year, and while admittedly not an accurate measure of revitalization, such occurrences may reflect an optimism based on the near completion of the subway, and the announced plans for movie theaters, a baseball stadium, and other attractions.

One such bar calls itself Founding Fathers Pub, and is located on Edward Street off Delaware Avenue, near the edge of Allentown. Founding Fathers opened with great fanfare, receiving many reviews, all favorable. Unfortunately, as with many new bars, especially downtown, it is going to have to persevere and endure relatively small crowds until it makes a name for itself or the planned Renaissance of Downtown Buffalo actually takes place, or both.

This is most unfortunate. Even taking into account the much-exaggerated crime factor, Downtown Buffalo is literally peppered with great little pubs in old brick buildings with tin ceilings and thick wooden bars. Yet, for some reason, people are reluctant to venture Downtown for a few drinks, even though it is readily accessible, less than fifteen minutes from any other point within the City limits.

Even our own SBA, otherwise rational, forces us to traverse deep Suburbia to attend their parties at the Pine Lodge. I don't know where this reluctance comes from, but students should consider investigating a few other downtown bars this month after Law Revue at the Tralf (thank goodness Pine Lodge didn't have a stage), as long as they're in the neighborhood anyway.

Despite this light volume of traffic, Founding Fathers appears to be sticking it out, even expanding its services. The building was once a livery stable, with the floor having since been cleaned.

The theme is Early American, naturally, and the patron is surrounded with historical reminders from the Revolutionary War era, including portraits of George Washington and Thomas Jefferson. There is even a copy of the Declaration of Independence hanging in the Men's Room, perhaps to encourage men to defy their wives and pass their time spending money at the bar.

The "Can you name the Presidents" placemats, however, are too much like something you'd encounter in a roadside Howard Johnson's in Virginia to contribute to the Colonial ambience. Nevertheless, the theme adds to the atmosphere of the pub, an atmosphere which is also clean, comfortable, and uncluttered. The only distraction is a single T.V., which admittedly plays MTV sometimes, but one can still engage in good conservation over a few draughts.

One highly touted feature of the pub are the free nacho chips with several different types of dips. Unlike most bars, these snacks are always available, not just at Happy Hour. Obviously a novel idea several steps beyond serving popcorn at the bar, this treat is apparently meant as bait to lure potential patrons inside.

Photo by Paul Hammond

Surprisingly, very few people have "dinner" as their primary objective when walking in the door. Unlike the Cloister's notorious happy hour where you get bowled over by a stampede of yuppies when they bring the chicken wings out, you'll see very few people at Founding Fathers who stroll in, order a single draft beer, and eat sixteen plates of nachos, not including those smuggled into their pockets.

Founding Fathers is eventually going to serve light lunches, although they are circulating matches saying they already do, much to the detriment of lunch plans I made one day last week. Anyway, it should be worth the walk from downtown.

I like Founding Fathers Pub, and hope that they are eventually able to earn a reputation for themselves sufficient to attract a better crowd, thereby remaining in business. They may even be doing a healthy trade right now and I may have missed it.

In either case, it is a comfortable bar with a lot of character. When the Downtown Renaissance happens and people start to go downtown again, (or is that the other way around), Founding Fathers will hopefully still be around.

Cuomo Introduces Anti-Sex Discrimination Legislation

Governor Mario M. Cuomo has introduced legislation to provide students comprehensive protection against sex discrimination in New York State schools.

The legislation would add a new section to the State Education Law called the "Sex Equity in Education Act."

"This bill will ensure female and male students that they will have equal access to all available educational opportunities," Governor Cuomo said. "Sex should never be a determining factor in whether children will have a chance to participate in educational programs, including athletics and extracurricular activities."

New York State now lacks a comprehensive protection plan against sex discrimination for students. In addition, there has been a weakening of the effectiveness of Title IX, the federal statute which prohibits sex discrimination in educational programs that receive federal financial assistance.

The proposed bill would prohibit sex discrimination by educational institutions receiving State aid or which enroll students who receive State aid. Exceptions would be made in those cases in which the law is inconsistent with the religious beliefs of an educational institution run by a religious organization.

The act also would guarantee the right to equal educational opportunity and prohibit educational institutions from discriminating on the basis of sex for employment purposes.

There are also provisions outlined in the bill for ensuring continuing compliance with the law, including a procedure for monitoring the implementation of the program. In addition, the bill provides remedies for violations of the act.

"With the passage of Title IX more than a decade ago, we thought an end had come to sex discrimination in our schools," Governor Cuomo said. "But court decisions have narrowed significantly the effectiveness of that federal statute to only those programs which directly receive federal aid."

"It's imperative that the State eliminate that disparity so that students in New York are guaranteed equal access to educational opportunities," the Governor said.

This bill will provide all students, without regard to their sex, the opportunity to participate in any academic, extracurricular, occupational, vocational or research program.

"The legislation is particularly meaningful to young women, who historically have been denied equal access."

"In today's society, increasing numbers of single women are the sole support of a family," Governor Cuomo said. "If young women are to become economic equals, they must have the same opportunities to educational programs as young men.

"The State must assume the responsibility for assuring female and male students equal access to educational programs and schools free of sexual harassment and sex discrimination against the students and employees."

Apartheid

continued from page 6

another type of claim which may be brought in American courts, although not against the South African government. Arguments have been made by those in support of apartheid against anyone who is actively protesting the segregation policy. One of the most vigorous pro-apartheid arguments is against adherents to U.N. General Assembly Resolution 2396 which "requests all states to suspend cultural, educational, and other exchanges with the racist regime, and with other organizations or institutions which practice apartheid."

A suit brought against the boycotters would be in the form of an anti-trust action, and would raise the question whether the Sherman Anti-trust Act is "applicable to politically motivated but economically tooled boycotts participated in and organized by non-competitors to those who have suffered because of the boycott."

Horne likens this type of suit to *State of Missouri v. National Organization of Women*, 610 F.2d 1301 (1980). In that case Missouri tried to claim that a boycott by NOW in an attempt to prevent Republican and Democratic National Conventions from being held in that state were a "combination and conspiracy in restraint of trade." The State's claim was unsuccessful.

A case against cultural boycotters of South Africa would have to prove that the actions of the boycotters were "intentionally injurious" to the business and trade of South Africa, thus making it a common law tort claim rather than an antitrust suit.

Prof. Horne notes that two of the most common words used to describe apartheid are "repugnant" and "abhorrent," yet it still exists and is still unjustifiable. However, Horne finds that "one of the most hopeful signs in South Africa is the proliferating protest coming from whites," although a large part of this protest is based in business concerns rather than in human rights.

Currently South Africa is in the midst of a severe recession. Black laborers who produce goods do not have the money to buy the goods, and if large-scale international boycotts arise there is the problem of massive overproduction because there is nowhere for the goods to go. Thus Mr. Horne believes that "as time wears on there is going to be a growing realization that apartheid is not good business sense, if nothing else, and it also ultimately worsens the standard of living even for whites."

Apartheid is itself a legal issue, and it is becoming more and more expansive. Besides the question of human rights in South Africa there are also international concerns, such as South Africa's illegal occupation of South West Africa, or Namibia, in direct violation of the United Nation's Decree No. 1. But the most compelling aspect of apartheid is essentially one of human rights, apartheid "is intrinsically antithetical to the notion of justice insofar as it breaches the most sacred element of justice, that is equality before the law."

Asians

continued from page 7

people, and Chinese Americans, Vincent Chin's killers viciously demonstrated the lethal impact that anti-Japan trade-protectionist attitudes could have on Asians in United States.

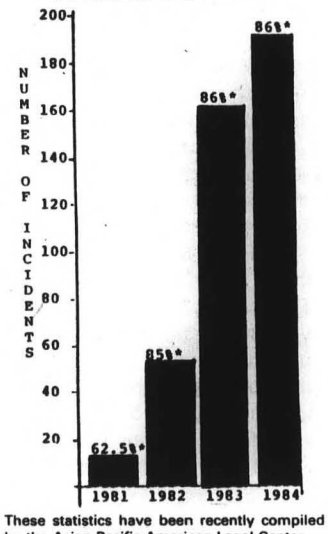
Nien-Chu Kiang also observes that another factor responsible for the rise in anti-Asian violence is the federal policy of refugee resettlement. Since 1980, the Southeast Asian refugee population throughout the country has grown increasingly. For instance, the population of Southeast refugees in Massachusetts has grown more than 200 percent from 6500 to more than 20,000.

In order to facilitate the refugees' assimilation into mainstream American society, the dominant, albeit inconsistent, view of federal refugee resettlement policy called not only for the conscious dispersal of refugees across the country but also the discouragement of concentrated refugee communities. Without such communities, however, many refugees, who lack the social, cultural, and economic support networks necessary to survive in a foreign land, were left isolated and vulnerable.

The racist character of the Vietnam War continues to be played out in acts of violence against Asians living in this country. Serving in "Nam" meant killing "gooks" —faceless, treacherous, subhuman enemies who seemed to be everywhere. Asian-American soldiers fighting in Vietnam were pointed out by their commanding officers as examples of what the enemy looked like.

The current spate of Hollywood releases set in Vietnam such as "Rambo: First Blood-Part II" and the original "First Blood" also contribute to the rise in anti-Asian violence. Not only do these latest box-office smashes recast the war in Vietnam in such a way as to allow "America (United States)" to regain its sense of superiority, but they also reinforce the Vietnam-era characterization of Asians as evil, sneaky, subhuman villains. Media images, particularly those out of Hollywood, have historically played a major role in shaping public attitudes toward Asian-Americans in this country. "Rambo" and films like it exhibit such traits.

RACIAL VIOLENCE AGAINST PACIFIC ASIANS



These statistics have been recently compiled by the Asian Pacific American Legal Center.
*Incidents that occurred in California.
Source: Asian Pacific American Legal Center newsletter.

One other contributing factor to anti-Asian sentiment is a general lack of awareness of the Asian-American experience and a general intolerance of differences. Vietnamese are told to go back to China. Campucheans are told to go back to Vietnam. Many Asian-Americans who were born in this country or who have been in this country for generations still are "gooks" and "chinks."

The National Asian Pacific Americal Law Students Conference on "Violence Against Asian-Americans" concluded that the national minorities of all groups share common experiences in this country. Racial violence against Asian-Americans affects Asians of all nationalities in this country. The Conference called for more unity not only of all the Asians but of all the national minorities in this country. Alex Rodrigue, Chairman and commissioner of Massachusetts Commission against Discrimination said, and I quote, "The issue of racial violence against Asian Americans is the issue for Hispanics and Blacks. And vice versa."

Philip Tajitsu Nash, the author of the article "Asian-Americans: 100 Years of Hate" in *"Guardian"* (October 30, 1985), also called for the stronger unity of all the minority groups and the need for better understanding of differences and for more cooperation between all the groups.

Feeling Dejected? Listen To These Rejections

by Timothy J. Burvid

Anyone who has ever visited the Career Development Office is familiar with their speeches about how law students should approach their job searches patiently. We're told to perfect our resumes, to persevere, and that eventually most of us will succeed in finding jobs, some of which might not even have anything to do with flipping hamburgers. More simply stated, we have to endure a great deal of rejection before we get something even resembling a job offer (i.e. an interview).

While patience may indeed be a virtue, four second year students, taking their rejections in stride, have undertaken to express their patience as an art form as well. With four students in one house, all interviewing for jobs at the same time, the rejection letters really pour in. That's why Brian Bornstein, John Formica, Rick Resnick, and Joel Schechter have decided to prominently display these communications from unenlightened employers who inevitably, maybe not for twenty years, but sooner or later, will regret their rash decisions (or so we all like to believe). Covering the walls of the dining room of the four roommates are systematically exhibited their collective rejection letters.

With the letters now totalling 125, and growing every day, these walls really talk. Consider one of Joel Schechter's experiences, for example. On October 9th he received a typical rejection letter from a law firm with the usual "Thanks, but No thanks" message. Their collection was still in its early stages, but he quickly mounted his latest specimen on the wall. Less than one month later, he received a second rejection letter from the same firm, asking him to "please excuse our delay in writing to you," and concluding with the identical rejection message. Writing on the second letter, Schechter asks: "Does rejection hurt the second time around?"

John Formica, however, had exactly the opposite problem. He never received word from one particular firm while all his friends who had also interviewed their had been notified. Formica wanted his rejection letter, if only to add to the collection, so he called the firm and demanded it. As it happened, it was originally sent to the wrong address, but the firm fully cooperated with his demand by sending him a file photocopy of the letter. They even sent him a short note apologizing for the misunderstanding, probably also a form letter.

And then there's Brian Bornstein, who should probably take some consolation in the fact that at least his most notable letter was personalized. Apparently, Bornstein had worked in the Hempstead Town Attorney's office one summer, and had spent a few hours working on a particular case. The case is still unresolved, and the firm to which he applied opposes the town in the action. Thus, they regretted that they could not hire him, but explained that "a conflict of interest or at least the potential for a conflict of interest existed."

Understandably, considering the amount of resumēs received by law firms, rejection letters are very rarely personalized. Yet, it's nice to think that there might be a little truth to the compliments by which employers try to let down applicants gently. Why not feel a little comfort in the fact that a firm tells you that "Your resume is an impressive one, and you can be justifiably proud of your accomplishments." Alas, whatever solace such words provide is quickly dissipated when you see four such identical letters next to each other on the wall. (And I even saved that one!)

If employers are so thankful for your resume, one must wonder what they're thanking you for.

Almost invariably, rejection letters begin with the words "Thank You." "Thank you for your fine resumē." Thank you for your inquiry." "Thank you for your impressive resumē," etc. One usually doesn't have to read any further, especially to read their phony comments about how wonderful you are, despite their rejection. The message is loud and clear- "Thanks, but No thanks."

If employers are so thankful for your resumē, one must wonder what they're thanking you for. They're not hiring you. Are they thanking you for putting a secretary to work? One can imagine a rejection letter from a firm replying: "Thank you for your incredible resumē. While we regret that we cannot offer you a position, we are, nonetheless, thankful for your resumē. It's exactly the same color as the bottom of our bird cage — precisely what we've been looking for. Thank you again for your thoughtful gift. Do write us again next year." Or perhaps this one: "Thank you for your fine resume. I haven't had a good laugh in weeks." They must be thanking you for something, right?

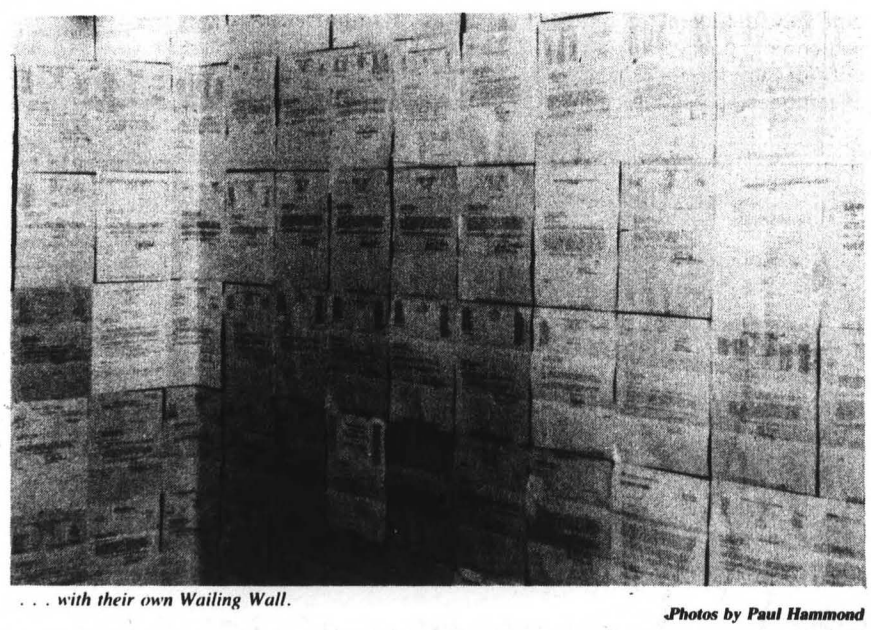
While the basic message of rejection letters remains the same, the form does vary between firms. One employer counsels that their rejection "should not be taken as a reflection on your credentials, which are excellent." Another says that "we were favorably impressed with your accomplishments to date." Some are more formal than others — "I acknowledge receipt of your letter, but . . . " My personal favorite in the patronizing genre reads: "We have reviewed with interest your fine accomplishments at UB Law School (but . . .). The most brutally honest simply states that "a further interview with you is not practical."

The shortest ding I encountered ran just two sentences. "Thank you for your inquiry regarding employment with our firm. Unfortunately, we are not in a position to offer you a job interview at this time."

Another law student has proposed a method of approaching the problem different than wallpapering the dining room. He suggests that the letters be sent back to the law firm with this message: "Thank you for your finely worded rejection letter. Regrettably, due to limitations in the job market, I am unable to accept your rejection at this time. See you Monday morning."

While the walls of Bornstein, Formica, Resnick, and Schechter make an interesting conversation piece, as well as being on the cutting edge of interior decorating, they also demonstrate both patience and a healthy perspective on the job search process, which all too often law students take too seriously and too personally. Besides, their persistence appears to be paying off. Three of the four have found law related summer employment, and the fourth is scheduled for several promising interviews in the next few weeks. Who knows? Maybe in the future these four guys will be in a position to draft rejection letters of their own. I hope they remember their humble beginnings.

Rick Resnick, Brian Bornstein, Joel Schechter, John Formica . . .



. . . with their own Wailing Wall.

Photos by Paul Hammond

ATTENTION
CLASS OF 1986, 1987, 1988, & 1989

SAVE

OFF THE 1986 TUITION WHEN YOU REGISTER FOR BAR/BRI'S **NEW YORK, NEW JERSEY, MASSACHUSETTS, CONNECTICUT, MAINE, NEW HAMPSHIRE, OR VERMONT BAR REVIEW.**

CLASS OF 1986

STATE	1986 REGULAR TUITION	SPRING SEMESTER DISCOUNT	YOU PAY ONLY
NEW YORK	$875	$100	$775
NEW JERSEY	$675		$575
MASS., CONN., MAINE, VT., N.H.	$775		$675

CLASS OF 1987, 1988, & 1989

STATE	1987, '88 & '89 REGULAR TUITION	SPRING SEMESTER DISCOUNT	YOU PAY ONLY
NEW YORK	$875	$175	$700
NEW JERSEY	$675		$500
MASS., CONN., VT., MAINE, N.H.	$775		$600

A $50 DEPOSIT IN NEW YORK NEW JERSEY OR ANY NEW ENGLAND STATE RESERVES THIS PRICE.

barbri

401 SEVENTH AVENUE SUITE 62
NEW YORK, NEW YORK 10001
(212) 594-3696; (201) 623-3363
(516) 542-1030 (914) 684-0807
160 COMMONWEALTH AVENUE
BOSTON, MASSACHUSETTS 02116
(617) 437-1171

REMEMBER:

THE LAST DAY TO SAVE OFF THE PRICE IS:

MARCH 26, 1986

In The Public Interest Selects Five Articles; Ten Libraries Request Full Sets of Back Issues

by Mary Hurley

During the fall semester, *In the Public Interest* staff members, Jeanne Waldman and Molly Dwyer mailed close to 300 copies of the last issue of the journal to all law school libraries in the United States and to a list of public interest organizations provided by the Career Development Office. The mailing was funded by the Dean's Office.

Almost one-third of the recipients returned an enclosure saying they would be interested in receiving the journal on an annual basis. Ten libraries wrote requesting full sets of back issues. You can now find all six issues of *In the Public Interest* in the stacks of the Stanford Law Library, among others.

In addition to providing the staff with some idea of the interest there might be in subscriptions to the magazine, the increased circulation should encourage students to submit seminar papers for publication. This year the number of articles received and considered for publication doubled. In January, professors received a letter asking them to encourage the authors of some of the best papers turned in for seminars to submit their papers to *In the Public Interest*. Thanks to Professor James Atleson, we received two papers from his seminar on Worker Ownership.

Five articles have now been selected for publication. The decision was difficult because there were more good articles to choose from. Editorial Board members read all articles that were submitted and ranked them according to topic and quality of writing and research.

Once the choices were narrowed down to five, editors worked with individual authors on improving the articles. Our office in Room 118 was equipped with the standard proofreading reference books this year, so this job was easier.

The magazine is in production now and copies will be delivered to student mailboxes in April. More students are active in *In the Public Interest* this year. Along with Molly and Jeanne, Craig Watson, Maria Doti, Brett Gilbert and Sara Nichols have been involved in the publication process. But we still need a larger staff. It's not too late to work on *In the Public Interest* this year. Soon we'll be selecting replacements for Editors Steve Balmer and Mary Hurley. The meeting will be advertised on posters and all students are welcome.

At a recent meeting the staff discussed the proposal by Duane Barnes for a student writing competition which was printed in a recent issue of *The Opinion*. We feel that the growth of the staff and circulation of *In the Public Interest* can make it another viable writing and journal experience at UB. Students with similar goals should unite to achieve this alternative.

AWLS Discusses Plans

by Kirsten Hertz

The Association of Women Law Students (A.W.L.S.) restructured the internal leadership model in hopes of improving efficiency and opening lines of communication. The restructuring has accomplished both objectives, and as a result there has been an increase in programming and attendance. Currently there are five members of the Steering Committee: Kirsten Hertz, Robin Rosenberg, Sara Nichols, Cindy Fenishel and Lori Cohen. Vicki Argento is the group's treasurer.

Some of the highlights of the fall semester were: a potluck dinner, an interesting discussion at the Women Faculty Wine and Cheese, and participation in a conference on World Hunger. A.W.L.S. began the spring semester with a fundraiser at CPG's and proceeds are to be applied to our major annual event, the National Conference on Women and the Law. We had another potluck dinner in early February, and on February 20 we invited Judith Avner of the New York State Division of Women to speak about job possibilities in the public sector and the proposed Sex Equity in Education Act. Finally, we will be co-sponsoring a lecture by Mary Dunlap on April 7.

Our major activity for the year is attendance at the National Conference on Women and the Law, which will be held from March 20-23 in Chicago. Fifteen women will be attending the conference. The conference framework offers a selection of over 150 workshops, as well as small discussion groups and a keynote speaker. The conference is an excellent forum not only to meet other law students, but also to learn about new developments in the law that affect women. Following the conference, A.W.L.S. will give a presentation to the law school community in early April.

We are in the process of scheduling speakers for next year, and are contemplating a spring election of steering committee members. Our office is located in Room 10 (basement) — drop by or, alternatively, leave a note in our box on the third floor.

NLG Invites Student Suggestions

The Buffalo Chapter of the National Lawyers' Guild is comparatively young. In 1974, Guild members from across the country came to Buffalo to defend prisoners accused of participating in the 1971 Attica prison rebellion. In the process, a Guild chapter was formed. After the Attica trials ended, the chapter continued.

The Buffalo Guild strives to provide a forum where all members of the legal community can get to know one another and discuss political-legal issues of importance to us. For those of us who are law students, the Guild provides an opportunity to do progressive work, as well as to address issues of tantamount importance to law, but not covered in the Buffalo law school curriculum.

Currently, our major focus is to provide speakers and films of interest to the legal community in Buffalo. We are investigating the possibility of beginning a variety of projects geared towards providing services and/or information to law students, lawyers and others within the community. We encourage input and welcome all suggestions. If you are interested in beginning a Guild project, or working with the Guild in any capacity, drop us a note in room 118.

Buffalo Labor Society To Hold Conference

by Craig Atlas

This semester the Buffalo Labor Relations Society has been involved with the community. On January 16, we were the guests of the Industrial Relations Research Association (IRRA) and the Labor Law Committee of the Erie County Bar Association at their annual joint dinner meeting. Thirteen UB law students were treated to a dinner at the Executive Hotel, where we heard three speakers (two from area law firms and one from the NLRB) discuss recent developments in labor law. The next dinner meeting of the IRRA will be held Thursday evening, March 20, at the Royal Knight in the Town of Tonawanda. The program will focus on public sector labor relations, and law students are welcome to attend (there is a charge for the dinner).

Our major project for the year will be a conference which is scheduled for Saturday, April 12 in the Moot Court Room. We are co-sponsoring it along with the National Lawyers Guild and various community and law school groups. The conference will address the problem of the relocation of jobs and industry from the Northeast (e.g., Trico Products Corp.) to the Texas-Mexico border. (For further information, see the related article on page 5.)

Right to Life Assoc. Plans For Future

The Law Student Right to Life Association, a group of law students concerned about the erosion of our society's and the law's respect for human life, was founded in the spring of 1985. Although relatively inactive this year, interest remains and students have been discussing the best way to confront these important issues here at UB Law School.

One option is to have pro-life lawyers from the Buffalo area or from the public interest firm, Americans United for Life Legal Defense Fund in Chicago speak on the varied aspects of these issues. Hampered only slightly by being the only chartered organization in the law school to be denied funding, the Right to Life Association intends to remain and provide a vehicle for discussion and confronting these important issues. A meeting will be called soon for assessing the level of interest and to plan future projects.

Elderly Convocation . . . *continued from page 3*

Eligibility and collectibility are separate issues, explained Pigott. The applicant is going to get medical care. The question that remains once care is delivered is what the county is going to do about it. "What happens to the assets?" A different set of rules applies then, and debtor/creditor law is going to come into play a lot more, said Pigott.

The financial pressures that are moulding this area are enormous, said Clark. The costs of medical care for the elderly are tremendous. This is placing great pressures on the family, so the need for Medicaid is increasing.

On the other side, the pressures on government are also building. Taxpayers don't want to pay taxes. The Federal administration doesn't want to pay for human services. The DSS in the counties are pressured to deny aid in order to reduce their budgets.

All this leads to enormous pressures on the counties to recover the money spent on Medicaid. And, predicted Clark, efforts to recover are going to increase.

Clark offered a number of practical suggestions on how attorneys could help protect a client's assets including keeping a life estate, transferring property before the client anticipates requiring medical assistance, creating a trust in the client's name, or insulating a transfer by setting aside enough money so the client does not have to make an application for medical assistance until after the two year period.

Gregory Stamm, of Stamm and Murray, proposed "something to think about in terms of the future of the estate practice." When a client comes to an attorney to do some planning for the future, "if you write a will you may never accomplish what the client wants. You should be planning to give away assets so when the client dies there's no estate," said Stamm. He cautioned, "Never deprive them of their assets but let them understand it's what they want to do anyway."

Thomas P. Cleary, of Walsh and Cleary, served as the court appointed conservator of Taylor Caldwell's estate. He spoke on conservatorships, committees, and powers of attorney. Generally, the physical or mental impairment for which a conservator can be appointed can include "almost anything." However, before the court will take control away from the person who owns the assets, the conservatee has a right to be heard and be represented by counsel to determine whether a conservator is needed in the first place.

Cleary also picked up on the advice offered by his co-panelists and stressed that "it's very important to get out to your clients as the years come upon them so planning can be done. The true answer to conservation of assets is for the lawyers to take the bold moves."

Professor Kenneth Joyce, of UB Law School, approached the issue of counseling the elderly from a different standpoint. He discussed the "Right to Die and the Use of the Living Will."

Joyce pointed out that in New York we don't have any generally applicable statutory law that is directed to these questions. A reason for this, offered Joyce, is the range of problems — emotional, philosophical, religious, ethical, as well as legal — that surround these areas. The decisional law is also very sparse in this area. Several state commissions are now involved in formulating policies to deal with these questions.

The lunch following the convocation featured the presentation of the Jaeckle Award, the highest award given by the Law School and the Law Alumni Association, to former dean of UB Law School Thomas E. Headrick. Steven Sample, President of the University, described Headrick as an individual "who combines the best attributes of the legal profession and the academic community and in that sense epitomizes the objectives and aspirations of this law school." Sample heralded Headrick's accomplishments and stated that during his tenure as dean, Headrick "led the school to new levels of national excellence."

Paul Weaver, standing in for Edwin F. Jaeckle, presented the award to Headrick. "The law school has grown and improved in just about every aspect of the school's operation" under Headrick, said Weaver.

The award was inscribed to Headrick "in recognition of his significant contribution to the advancement of the law school. A gifted person with a human touch and extraordinary judgment, he provided the law school with outstanding leadership and direction during his tenure as dean. He attracted a high quality faculty, strengthened the educational program, and built firm bridges to the alumni, the bar, and the community."

Headrick, accepting the award, commented, "This is really a humbling experience." He described a law school dean as "a coalition builder, a creator of an uneasy alliance fashioned among groups with often different aspirations for the school."

Headrick saluted UB's "tradition of openness and innovation, this marriage of past success to future improvement that has been and is the source of the school's distinction and excellence." He modestly concluded that "to maintain and contribute to this tradition is the major challenge facing any dean and in all truth this award honors the driving spirit of the school, not an individual."

Affirmative Action

. . . . continued from page 1

approximately 5 percent. If they represent 20 percent of the participants in the competition, the offers would not be extended beyond approximately 10 percent."

Both Hassett and Martin said they intend to go over the plan with law school officials but don't foresee any problems with it because "it tracks the plan used by the law school admissions committee" Martin said.

Neither of the other plans came as close to that used by the law school admissions committee, according to Hassett and Martin.

"Proposal A" had called for the selection of a member to be based 40 percent upon course grades, 40 percent upon the written casenote and 20 percent upon a personal statement. "Proposal C" called for selection to be based 90 percent upon the written casenote and 10 percent upon a personal statement.

Irving Shuman

. . . . . continued from page 4

have to apply basic common sense."

"The average entertainer has no idea about what the music business really is," James said. "And he doesn't really want to know. All they need is to make sure all their needs are taken care of — lawyers do this."

But Shuman said James provided him with a great deal of help.

"I really knew nothing of the entertainment business," Shuman said. "I had to start by learning all the terms, like 'gig.' But I was lucky because I was taught the music business, by someone in the business who knew every aspect of the business."

James, who is involved in composing, producing, licensing and touring, said there is "more jive, more gloss in the entertainment business than any other business in the world."

Which is why there is a need for "more integrity," according to James.

"I had been fed up with lawyers," he said, prior to his meeting with Shuman. "I had a lawyer working for me one time who was also working for a record company."

Shuman pointed out the need for attorneys to avoid situations giving rise to conflicts of interest, especially in this area of law. "You have to remember you represent the client's interest; you don't represent you."

Pine Lodge Partiers Celebrate Last 86 Days

Photos by Paul Hammond

The Opinion schedule for the 1986 Spring Semester is as follows:

Issue	Copy Deadline*	Layout†	Date of Publication
26:12 (Includes Onion)	Mon., 3/17	Thurs., 3/20	Wed., 3/26
26:13	Tues., 4/8	Thurs., 4/10	Wed., 4/16
27:1	Mon., 4/21	Thurs., 4/25	Wed., 4/30

*Deadline is 12:00 noon.
†Layout will be in *The Opinion* office, Room 724 O'Brian at 5:00 p.m.
*All articles must be **typed** double-spaced. Submissions can be placed in the manila envelope outside* The Opinion *office, Room 724 O'Brian Hall, or in mailbox #754.*

LAW REVIEW CASENOTE COMPETITION

First-year students are encouraged to participate in the Law Review Casenote Competition for March 27 and May 16, 1986. An informational meeting will be held Wednesday, March 12, 4:00 p.m., Room 106.

All students who are considering entering the competition should attend the informational meeting and one of the OPEN HOUSES scheduled for the week of March 3-7.

Selection for Law Review is NOT determined solely upon first-year grades. Casenote score alone can qualify you for membership.

Questions? Call the Law Review Office, 636-2059.

CAREER PANELS

Mark your calendar and attend our career information panels scheduled for March. ALL STUDENTS ARE INVITED. This is an excellent opportunity to find out what practicing law in these topic areas is really about. Your individual questions are especially welcomed.

CORPORATE/TAX PRACTICE
Thursday, March 13, 4:00 p.m., Room 109
Victor Gagliardi — Estate Tax, IRS
Joseph Makowski — In-House Counsel, CTG
Catherine Wettlaufer — Tax Work in Private Practice
Ellen Yost — Corporate Work in Private Practice

BANKING/FINANCIAL PLANNING
Tuesday, March 18, 4:00 p.m., Room 108
Bob Edwards — In-House Counsel, Goldome
Frank Heller — Banking Law in Private Practice
Alan Vogt — Financial and Investment Planning Specialist

LABOR LAW
Wednesday, March 26, 4:00 p.m., Room 109
John Collins — Union Representation
David Farmello — Management Representation
Mark Pearce — NLRB
Marilyn Zahm — Administrative Law Judge, NLRB

CERTIORARI,

a new journal devoted exclusively to law student research papers, is now accepting submissions for Spring publication. Students interested in submitting senior papers for consideration should bring them to *The Opinion* office

FREE PERSONALS FREE ARE COMING!

Starting next week you can have your own message printed in *The Opinion*. Submit this tear sheet to Room 724 O'Brian by Monday, March 17 at 12:00 noon.

Message: _____

SPRING BREAK HAS ARRIVED!!!

YOU CAN STILL $AVE IF YOU ENROLL IN THE

JOSEPHSON-KLUWER BAR REVIEW COURSE THIS SPRING!!

NEW YORK

DOWNPAYMENT	DISCOUNT*	YOUR PRICE
$ 50.00	$150.00	$725.00

*DART COUPON DOES NOT APPLY

NEW JERSEY

DOWNPAYMENT	DISCOUNT w/COUPON	YOUR PRICE
$ 50.00	$100.00**	$575.00
$100.00*	$175.00**	$500.00

*NOT APPLICABLE TO CLASS OF '86
**DISCOUNT INCLUDES $25.00 DART COUPON — MUST BE ATTACHED TO ENROLLMENT AGREEMENT

PENNSYLVANIA

DOWNPAYMENT	DISCOUNT	YOUR PRICE
$ 50.00	$ 75.00*	$675.00
$100.00*	$125.00*	$625.00

*DART COUPON DOES NOT APPLY
SEE A CAMPUS REPRESENTATIVE TODAY OR CALL US . . .

JOSEPHSON-KLUWER LEGAL EDUCATION CENTERS
10 East 21st Street New York, N.Y. 10010

(212) 505-2060 (Collect)
(800) 253-3456 (Outside NY)